

IN THE COURT OF DISTRICT MUNSIF, GUDIYATTAM,
VELLORE DISTRICT.

Present: **Tr.K.Karthick Asath, B.A.,B.L.,(Hons),LLM.,**
District Munsif,
Gudiyattam.

Friday, this the 19th day of June 2026

E.A.No.02/2026
in
EA.No.01/2025
in
EP.No.72/2016
in
OS.No.986/1990

1. Chockalingam (died)
2. Sakunthala
3. Neelakantan
4. Gowdaman
5. Sankari

.... Petitioners/ Legal Representatives

// Versus //

The Pernambut Muslim Educational Society
registered under XX1 of 1860 having its office at
High Road Pernambut by its Secretary

.... Respondent/D.H.

This execution petition came up before this Court today for final hearing in the presence of advocate Tr.S.Gunasekaran, the learned counsel for the petitioners and Tr.K.Moganaraju, the learned counsel for the respondent and upon perusal of case records and having stood over for consideration till date, this Court delivers the following:

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ORDER

The application has been filed under Section 50 and under Section 151 of Code of Civil Procedure, 1908 to please to implead the petitioners 2 to 5 who are the legal heirs of deceased 1st petitioner as petitioners 2 to 5 in EA.01/2025 and pass orders.

1. The averments of the petitioner in brief:

The Petitioner submits that the 1st petitioner filed under Section 47 CPC. Subsequently he died on 27.11.2025 leaving behind us as his legal heirs. Hence you can maintain the EA.01/2025 by impleading ourselves as petitioners hence this petition as to be allowed.

2. The averments of the counter filed by respondent:-

The respondent submit that this petition at this juncture is not acceptable. The petitioner with intention to drag on the proceedings filed this petition. They are not properly mentioned legal heirs. The petitioners here in approached this Hon'ble court without clean hands. There is no merit in the EA, hence prayed to dismiss the EA.

3. Point for consideration :-

Whether this application is liable to be allowed?

4. Evidence :-

Neither of the parties to this application have adduced any oral or documentary evidence.

5. Both side enquiry heard.

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6. Discussion :-

On considering the submissions made by the both counsels and perusing the available records this court delineate and proceeds its findings based on the following discussion.

6.1. The 1st Petitioner is the judgment debtor in EP.72/2016. The respondent filed OS.No.986/1990 against the 1st petitioner for delivery of possession. The said suit decreed on 04.04.2007. Based on the decree the respondent filed EP.72/2016 against the 1st petitioner/Judgment debtor. In that EP the 1st petitioner filed EA.01/2025 to declare the decree dated 04.04.2007 as null and void. While the EA posted for evidence of petitioner side then the petitioners filed the present petition stating that 1st petitioner died on 27.11.2025 hence the legal heirs has to be impleaded in the EA.01/2025.

6.2. On perusing the available records the petitioners submitted that the 1st petitioner died on 27.11.2025 hence the petitioners/legal heirs of 1st petitioner has to be impleaded. While the 1st petitioner filed EA.01/2025 by claiming interest over the property then as a legal heirs of 1st petitioner the present petitioners also having interest over the property by way of succession. Then they has to be impleaded as party in the EA.01/2025. The petitioner shows sufficient cause for allowing this petition. Allowing this petition will not cause any prejudice to the respondent. For avoid multiplicity of proceedings this court inclined to allow this application.

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7. Result :-

As a result, this application is allowed without cost.

Dictated to Steno typist directly, typed by him corrected and pronounced by me in the open Court on this the 19th day of June 2026.

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Gudiyattam.**

Petitioners side Witnesses and Exhibits :- Nil

Respondent side Witnesses and Exhibits :- Nil

**District Munsif,
Gudiyattam.**

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