

**IN THE COURT OF DISTRICT MUNSIF, KATPADI, VELLORE DISTRICT
PRESENT: THIRU. K.VENKATESAN, B.A., B.L.,
DISTRICT MUNSIF, KATPADI.**

Saturday, this the 18th Day of February – 2023

**I.A.No. 03 of 2022
In
O.S.No. 14 of 2011
(CNR.No.TNVL230000332011)**

C.Ramamoorthi

.....Petitioner/Plaintiff

-Vs-

1. Parthiban (died)
2. Lila

.....Respondents/Defendants

1. Shobana
2. Anbarasan

.....Proposed Parties

This petition has come up today before this Court for orders and upon hearing arguments of Thiru. T.Munisamy, the Counsel for the Petitioner and the Thiru. S.Mohan Raj, the Counsel for the Respondents 1&2 and the Proposed parties, who made endorsement as this petition may be allowed on heavy terms and upon perusing the entire case records and having stood over before this court for consideration till this date, this court delivers the following:-

ORDER

This petition has been filed by the petitioner/plaintiff under Order 22 Rule 9 and Section 151 of Civil Procedure Code, to set aside the abatement of suit against the 1st defendant.

Records perused. On perusal of records, during trial, the 1st defendant died on 19.05.2021 and the petitioner/plaintiff has not taken steps to implead legal heirs of said deceased 1st defendant. As per Limitation Act the suit against 1st defendant has got abated. Hence, the petitioner has come forward with this petition to set aside the abatement of the suit against the 1st defendant. Notice given to Respondents Counsel who made endorsement as this petition allowed on heavy terms. In view of the above endorsement made by the Respondents Counsel and in order to continue the suit & for proper and complete adjudication of the suit and to prevent multiplicity of proceedings, the proposed parties are necessary parties, and therefore this court is inclined to allow this petition. No costs. In the result, the abatement of suit against 1st defendant is hereby set aside.

Pronounced by me in the open court, this the 18th day of February 2023.

DISTRICT MUNSIF
KATPADI