

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

Friday, this the 18th Day of August – 2023

I.A.No. 6 of 2023
In
O.S.No. 63 of 2010
(CNR.No.TNVL23-000035-2010)

1. Begi Subramani Reddy (Died)

.....Plaintiff

2. Alamelu
3. Muniyammal
4. Sambangi
5. Shanthi
6. Jayanthi
7. Manjula
8. Vendamani
9. Punitha
10. Sathya
11. Shalini
12. Sathish
13. Sumathi
14. Sachin

.....Petitioners/Proposed Plaintiffs/Legal heirs

-Vs-

Devaraj

.....Respondent/Defendant

This petition has come up today before this Court for orders, and upon hearing the arguments of Thirumathi. V.K.Kotteswari, the Counsel for the plaintiff/petitioners/proposed parties, and Thiru. S.Gunasekaran & Thiru. G.Vijayabaskar, the Counsels for the respondent/defendant, and upon perusing the petition affidavit along with documents, counter, and the records pertaining to this case, and having stood over for consideration till this day, this court delivers the following:-

ORDER

This petition has been filed under Order 22 Rule 3 and Section 151 of Civil Procedure Code to implead the petitioners 2 to 14 who are the legal heirs of the deceased 1st petitioner/plaintiff in the main suit.

1. **Brief averments of the affidavit filed by the 5th petitioner/legal heir is as follows:-**

The 5th petitioner is the proposed party in the above suit and submits that her father Begi Subramani Reddy filed the suit for Declaration and for permanent injunction against the defendant, and in the above suit is pending, her father died on 13.10.2022 intestate leaving behind his wife, 6 daughters and 2 pre-deceased sons, namely 2) Alamelu, 3) Muniyammal, 4) Sambangi, 5) Shanthi, 6) Jayanthi, 7) Manjula, 8) Vendamani, and pre-deceased son Muthappa and Krishnamoorthy. The pre-deceased son Muthappa's legal heirs namely 9) Punitha, 10) Sathya, 11) Shalini, 12) Sathish. The pre-deceased son Krishnamoorthy's legal heirs namely 13) Sumathi, 14) Sachin. Hence, the 5th petitioner filed this impleading petition to implead the legal representatives (heirs) of the plaintiff and pre-deceased sons legal heirs also, and the proposed parties have to be impleaded as plaintiffs 2 to 14 in the main suit for proper adjudication, otherwise the petitioners will be put in very great loss and hardship and prays to allow this petition, and produced 1) Photocopy of Death Certificate of the Plaintiff Begi Subramani Reddy Dated 29.10.2022, 2) Online Copy of Legal Heir Certificate of Begi Subramani Reddy Dated 10.02.2023, 3) Photocopy of Death Certificate of Pre-deceased son Muthappa Dated 21.09.2006, 4) Photocopy of Death Certificate of Pre-deceased son Krishnamurthy Dated 25.01.2023, 5) Online Copy of Attestation of Family Tree of

Krishnamurthy Dated 13.03.2023, 6) Online Copy of Legal Heir Certificate of Muthappa Dated 28.05.2023.

2. **Brief averments of the counter filed by the respondent is as follows:-**

The petition filed by the petitioners is devoid of merits, lacks in bonafide and the same is liable to be dismissed in limini. The respondents does not admit any averments and facts contained in petitioners affidavit and put the petitioners to strict proof of the same. The respondent submits that the Class-I and Class-II legal heirs of the deceased plaintiff were not impleaded or in other words, all the legal heirs of the deceased plaintiff were not impleaded and the petitioners have not filed any documentary proof regarding the legal heirs of the deceased plaintiff. Hence, the respondent prays to dismiss the petition.

3. Neither the petitioners nor the respondent have placed any oral or documentary evidence before this court.

4. **Point for Consideration:-**

(a) Whether this petition to implead the petitioners-2 to 14 as the legal representatives (heirs) of the deceased 1st petitioner/plaintiff is entitled to be allowed or not?

5. **Answering for the Point:-**

Both sides has been heard. Records Perused. Upon careful analysis of the entire case records including the petition along with documents, counter and upon considering the arguments advanced by either side, it is found that the suit has been filed for declaration and for permanent injunction and for costs. The plaintiff Begi Subramani Reddy is the sole plaintiff in the suit. When the suit was pending for further PWs, it was reported to court that the plaintiff

died. Subsequently, this petition has been filed by the petitioners-2 to 14 seeks leave of this Court to implead them in the suit as plaintiffs-2 to 14. On the other hand, the respondent vehemently contented that the Class-I and Class-II legal heirs of the deceased plaintiff were not impleaded and the petitioners have not filed any documentary proof regarding the legal heirs of the deceased plaintiff.

On careful perusal of case records, it is evident that the sole plaintiff Begi Subramani Reddy filed this suit for declaration and permanent injunction against the defendant, and during the course of trial, he died. In order to conduct & proceed the suit further, the deceased sole plaintiff's legal representatives/legal heirs are very essential. In the present petition, the petitioners 2 to 14 are claiming that they are the legal heirs of deceased plaintiff and produced death certificates & legal heirs certificate issued by revenue departments. On careful perusal of said documents filed along with the petition, it reveals that the petitioners-2 to 14 are the Class-I & Class-II legal heirs of the deceased Sole Plaintiff Begi Subramani Reddy. It is not disputed by the respondent/defendant that the petitioners are not the legal heirs of deceased plaintiff. Hence, the contention of the respondent/defendant that Class-I and Class-II legal heirs of the deceased plaintiff were not impleaded and the petitioners have not filed any documentary proof regarding the legal heirs of the deceased plaintiff, is hereby rejected as no merits and there is no contra materials produced by the respondent/defendant to contravert the same.

From the above, this Court is of the view that in order to continue the suit, and also in order to proper adjudication, the legal representatives/heirs of the deceased sole plaintiff has to be impleaded as parties in this suit which is helpful to decide the matter on merits. The above said proposed parties are necessary and proper parties to the proceedings. Hence, the proposed

parties have to be impleaded as parties in this Suit. Accordingly, the point is answered in favour of the petitioners.

6. **Result:-**

In fine, in the interest of justice, this petition is allowed and the petitioners-2 to 14 are permitted to implead themselves as plaintiffs-2 to 14 in the suit as legal representatives/legal heirs of the deceased sole plaintiff. No costs.

-//Dictated by me to the steno-typist, computerized by her directly to my dictation, corrected and pronounced by me in the open court, this the 18th Day of August – 2023.//-

DISTRICT MUNSIF
KATPADI

Both sides documents and witnesses: **NIL**

DISTRICT MUNSIF
KATPADI