

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

Friday, this the 20<sup>th</sup> Day of January – 2023

**I.A.No. 6 of 2022  
In  
O.S.No. 152 of 2014  
(CNR.No.TNVL230000612014)**

1. Saraswathi
2. Vijayalakshmi
3. Gajendran
4. Surendran

....Petitioners/Plaintiffs

**-Vs-**

1. Subramani Achari (died)
2. Mani Achari
3. Chinnasamy Achari

...Respondents/Defendants

4. Senjulakshmi
5. Rajesh
6. Samundi
7. Lalli @ Lalitha

.....Respondents/Legal Heirs of the deceased 1<sup>st</sup> defendant

This petition has come up today before this Court for orders, and upon hearing the arguments of Thiru. S.Lalithkumar, the Counsel for the Petitioners, and Thiru. V.Thukkaram, the Counsel for the Respondents and 2 to 7 Respondents have not filed their counter and were set exparte on 09.12.2022, and upon perusing the petition and the entire case records, and having stood before this court for consideration till this date, this court delivers the following:-

**ORDER**

This petition has been filed by the petitioners/plaintiffs under Order 22 Rule 9 and Section 151 of Civil Procedure Code, to set aside the abatement of the above suit against the 1<sup>st</sup> defendant.

Records perused. This petition has been filed by the plaintiffs to set aside the abatement against 1<sup>st</sup> defendant who died on 09.10.2021 and to implead legal heirs of him. Notice given to R2 to R7 but they failed to file counter and they set exparte. On perusal of records, 1<sup>st</sup> defendant died during pendency of the suit. This suit is filed for the relief of declaration and permanent injunction. In order to continue the suit and in order to proper adjudication, the legal heirs of deceased has to be impleaded as parties in the suit which is helpful to decide the matter on merits and the legal heirs are necessary and proper parties to the suit proceedings. The reason stated by the plaintiffs for not filing this petition within time is acceptable one. Considering the facts, and circumstances of the cases and in order to proper adjudication of the suit, in the interest of justice, this court is inclined to allow this petition. No costs.

Pronounced by me in the open court, this the 20<sup>th</sup> day of January 2023.

DISTRICT MUNSIF  
KATPADI