

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

Wednesday, this the 6th Day of November – 2024

**E.A.No. 2 of 2024
In
E.P.No. 16 of 2023
In
O.S.No. 25 of 2020
(CNR.No.TNVL23-000075-2023)**

1. M.Easwari (died)

.....Petitioner/Decree Holder

2. M.Vishnumurugan

3. M.Swetha

4. M.Sriharimurugan

.....Petitioners-2 to 4/L.R's of the 1st Petitioner

-Vs-

1. M.Savithiri

2. M.Ramu

.....Respondents/Judgment Debtors

This petition has come up today before this Court for orders, and upon hearing the arguments of Thiru.V.Jothiram, the Counsel for the Petitioners, and even after service of notice and after providing sufficient opportunities, the Respondents have failed to file Counter & were called absent and set Ex-parte, and upon perusing the petition, and the case records, and having stood over for consideration till this date, this Court delivers the following:-

ORDER

This petition has been filed by the petitioners under Section 146 & 151 of Civil Procedure Code, to implead the legal representatives of the deceased 1st petitioner as the 2 to 4-petitioners in the execution petition.

Records perused. This petition has been filed to implead the legal heirs of deceased sole petitioner in the E.P as petitioners-2 to 4. On receipt of notice the respondents have failed to file their counter that too even after granting sufficient times to them and they were set ex parte. On perusal of this petition affidavit, the petitioner claims that they are the legal heirs of deceased Decree Holder/Sole Execution petitioner and produced the Death Certificate and LR certificate of Decree Holder which would show that they are the surviving legal heirs of decree holder and the said Decree Holder died after filing this Execution petition. It is pertinent to note that there is no contra averments and material to contravert the petition averments and documents filed along with. In order to proceed the Execution petition further, the Legal heirs of deceased Decree Holder are necessary and proper parties and no prejudice would be caused to Respondents if the petition is allowed.

Considering the above all facts, in the interest of Justice, this Court is inclined to implead the legal heirs of the deceased Decree Holder/Petitioner as petitioners- 2 to 4 for proper and complete adjudication of the Execution petition. In the result, this petition is allowed. No costs.

Pronounced by me in the open court, this the 6th day of November 2024.

(Sd/-).. K.Venkatesan
DISTRICT MUNSIF
KATPADI