

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

Wednesday, this the 28th Day of August – 2024

**I.A.No. 04 of 2024
In
O.S.No. 265 of 2009
(CNR.No.TNVL23-000090-2009)**

1. Sagayamary
2. Simon
3. Mary Josephine
4. Ashirwadh

.....Petitioners/Plaintiffs

-Vs-

1. Francis (Died)
2. Arulappan
3. Subramani (Died)
4. Gajammal
5. Sujatha
6. Santhi
7. Pramela
8. Gunasekar

...Respondents/Defendants

9. Japamala

...Respondent/Proposed party/
Legal Representative of the deceased 1st defendant

This petition is coming before me for final hearing today, in the presence of Thiru.R.Kalaichelvan, the Counsel for the Petitioners and Thiru.K.R.Ravi, the Counsel for the Respondents-4th to 8th and the Counsel for the Respondents- 2 & 9 and made endorsement as 'no counter'. Upon perusing 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 Section 5 of Limitation Act to condone the delay of 1820 days in filing the petition under Order 22 Rule 4 of CPC.

Records perused. This petition has been filed to condone the delay in filing LR petition. In petition affidavit, the petitioners stated that due to oversight the deceased 1st defendant's wife (9th respondent/proposed party herein) not impleaded in the suit. On the other hand, in counter, the defendants stated that this petition has been filed belatedly i.e., 5 1/2 years and there is no bonafide reasons assigned.

Considering the nature of relief prayed in the suit, this court is of the view that the proposed party is necessary to determine the issues and the deceased 1st defendant's share naturally would devolve to her. It is seen from the records, this petition has been filed belatedly and the reason assigned by the petitioners is not acceptable and not supported with any material records. Even though, that the said reason assigned by parties should not defeat the rights of parties as enshrined in law. Further this court is inclined to compensate the defendant on account of filing this petition.

Considering the above discussions, this court in the interest of justice is inclined to allow this petition on cost of Rs.1,000/- payable to the defendants on

or before 4.9.2024 if failing which this petition order shall stand dismissed without any further reference of this court. For compliance. Call on 11.9.2024.

Pronounced by me in the open court, this the 28th day of August
2024.

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