

IN THE COURT OF THE FIRST ADDITIONAL DISTRICT JUDGE,
TIRUNELVELI.

PRESENT: Thiru. D. SELVAM, M.L.
1st Additional District Judge,
Tirunelveli.

Wednesday, the 12th day of August 2026

I.A. No.03/2026, I.A. No. 04/2026 in O.S. No. 442/2023

Pughal ... Petitioner/ Plaintiff

// Versus //

1. Mareeshwari (Died) ... Respondent/Defendant
2. Kamalesh
3. Pavithra ... Respondents/2, 3 proposed parties

These petitions came up before this court on 28.07.2026 for a final hearing in the presence of Thiru. A. Prabhakaran, Advocate for the Petitioner and Thiru. M. Krishnan, Advocate for the 2nd Respondent and 3rd respondent called absent and set exparte, and 1st Respondent died and upon hearing both sides' arguments and upon perusing the records and having stood over till this date for consideration, this court delivers the following ...

COMMON ORDER

1. Prayer:

1.1. I.A. No. 03/2026:

This petition has been filed under Order-22 Rule-9 of the C.P.C to set aside the order of abatement to implead the legal heirs of the deceased 1st respondent as detailed set out in the petition with costs.

1.2. I.A. No. 04/2026:

This petition has been filed under Order-22 Rule-4(1) of the C.P.C to implead the legal heir of the deceased 1st respondent/1st defendant.

2. The brief averments in the petition in I.A.No. 03/2026 and I.A.No. 04/2026 are as follows:-

The petitioner is the plaintiff in the suit. He was well known for the case details. The suit is filed for the recovery of mortgage money. On pending the suit, the respondent/defendant died on 22.11.2023, leaving his legal heirs of the 2nd and 3rd Respondents. The above fact will come to the knowledge of the petitioner in recent time. So the proposed parties are necessary in the suit. Hence, the petition is filed in I.A. No. 03/2026 to set aside the abatement to file a petition to implead the legal heir of the deceased 1st respondent/1st defendant, and I.A. No. 04/2026, to implead the legal heir of the deceased 1st respondent/1st defendant.

3. After due service of the summons, the 2nd and 3rd defendants have not appeared before this court and set exparte in both petitions. 1st Defendant died.

4. The Point for determination in the petitions are:

Whether these petitions can be allowed?

5. During the enquiry, no evidence was adduced, and no documents were marked on both sides.

6. Answer to the Point: -

6.1. Heard both sides. This court carefully perused the affidavit, counter and case records.

6.2. On perusal of the case records, the suit was filed on 03.10.2023 for the recovery of mortgage money. During the pendency of the suit, the 1st defendant died on 22.08.2025, and it is necessary to implead the legal heirs of the deceased 1st respondent, who are the proposed parties/ 2nd and 3rd respondents. So, the deceased 1st defendant's legal heirs are also necessary parties in the suit for proper adjudication.

6.3. The proposed 2nd and 3rd respondents are the legal heir of the deceased 1st respondent/1st defendant. Hence, this court would like to allow these petitions by considering the parties' rights and status of this case for proper adjudication by the interest of justice.

7. In the result,

7.1. I.A. No. 03/2026:

This petition is allowed on the conditional cost of Rs. 2,000/-. The petitioner shall be paid the cost in the account of the Chief Justice Relief Fund, District Judiciary Employees, High Court of Madras, Madras, on or before 19.08.2026. The petitioner shall mention the case number, party name and court name in the challan. If the cost is not paid, the petition will be dismissed. Call on 20.08.2026.

7.2. I.A. No. 04/2026:

This petition is allowed on the conditional cost of Rs. 2,000/-. The petitioner shall be paid the cost in the account of the Chief Justice Relief Fund, District

Judiciary Employees, High Court of Madras, Madras, on or before 19.08.2026. The petitioner shall mention the case number, party name and court name in the challan. If the cost is not paid, the petition will be dismissed. Call on 20.08.2026.

This order is directly dictated to the steno-typist, typed in a computer, and corrected and pronounced by me in open court on this, the 12th day of August 2026.

1st Additional District Judge,
Tirunelveli.

The petitioners' side witnesses and documents: Nil
The respondents' side witnesses and documents: Nil

1st Additional District Judge,
Tirunelveli.

I Additional District Court,
Tirunelveli
DRAFT / FAIR ORDER
I.A. No.03/2026 and 04/2026 in
O.S. No. 442/2023
Dated: 12.08.2026