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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.07.2026**

CORAM

THE HONOURABLE MR JUSTICE S. SOUNTHAR

**C.R.P(MD).No.1999 of 2026
and C.M.P(MD).No.9531 of 2026**

M.Visalakshi

... Petitioner

Vs

Rengasamy (died)

S.I.Muthuchamy (died)

J.Rajeswari(died)

Radhakrishnan(died)

1.Veeraraghavan

2.The Commissioner,
Srivilliputhur Panchayat Office,
Srivilliputhur.

Raghavan (died)

3.Panchayat Engineer,
Panchayat Office, Srivilliputhur.

4.The Tahsildar,
Srivilliputhur.

5.The District Collector,
Virudhunagar.

6.R.Chandra

7.Dhanalakshmi

8.Pushpalatha

9.Vignesh Perumal

10.B.Vanaja

11.Velmurugan

12.Sankara Narayanasamy

13.Anusuya

14.Suryakumari

15.Praveen

16.Susithra

1/5



17.Jegannathan
(R2 to R5 lower Court ex-parte -given up)

... Respondents

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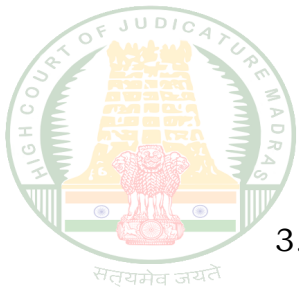
Prayer: Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.5 of 2024 in O.S.No.54 of 2011 dated 23.03.2026 by Principal District Munsif cum Judicial Magistrate No.I, Srivilliputhur and allow I.A.No.5 of 2024 in O.S.NO.54 of 2011.

For Petitioner : Mr.S.Manohar
For R4 & R5 : Mr.L.Siva
Government Advocate (civil)

ORDER

This civil revision petition is filed challenging the order passed by the Trial Court dismissing the application in I.A.No.5 of 2024 filed by the petitioner herein seeking her impleadment as testamentary heir of one Muthusamy/ second plaintiff in the main suit.

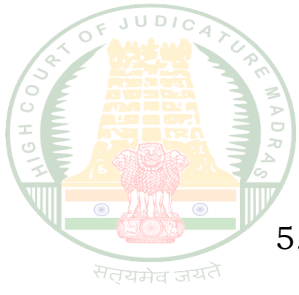
2.According to the petitioner, his father and the second plaintiff in the suit, Muthusamy, executed a 'WILL' on 03.02.2021 in her favour bequeathing item Nos.5 and 6 in the suit property. Therefore, instant application has been filed seeking her impleadment as 12th plaintiff in the suit on the strength of the testamentary document executed by the deceased. The said application was dismissed by the Trial Court on the ground that the petitioner failed to implead the other heirs of the deceased. Aggrieved by the same, the petitioner has come before this Court.



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3.The learned counsel appearing for the petitioner would submit that the Trial Court instead of dismissing the application, ought to have given an opportunity to implead the other heirs of deceased and therefore, the impugned order is liable to be set aside.

4.The petitioner claims exclusive right over item Nos.5 and 6 of the suit properties under the testamentary document executed by her father, deceased second plaintiff, Muthusamy. The validity of the said 'WILL' has to be decided only in the presence of other heirs of Muthusamy. Therefore, the Trial Court is justified in observing that the petitioner is not entitled to maintain an application without impleading the other heirs. I do not want to interfere with the impugned order. However, it is made clear that the petitioner is entitled to file a fresh application seeking her impleadment as a testamentary heir. In the said application, the other heirs of Muthusami should also be shown as Party respondents. If any such application is filed, the Trial Court can decide the validity of the 'WILL' relied on by the petitioner in the presence of other legal heirs and pass appropriate orders in accordance with law. It is clarified that the impugned order will not come in the way of petitioner filing another application by impleading all the heirs of Muthusamy.



5. With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

27.07.2026

NCC : Yes/No
Index : Yes/No
Rmk

To

1. The Principal District Munsif
cum Judicial Magistrate No.I, Srivilliputhur.
2. The Section Officer,
VR Section, Madurai Bench of Madras High Court, Madurai.



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S. SOUNTHAR.J.

Rmk

C.R.P(MD).1999 of 2026

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