

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.10.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.3211 of 2016 and
CMP.No.16295 of 2016

1. S.Rajpriya
2. S.Rajkiran

...Petitioners

versus

1. Dr.T.S.R.Sivanthirajan
2. Nagarajalakshmi @ Padmini

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 27.4.2016 passed in I.A.No.23 of 2016 in O.S.No.185 of 2015 on the file of I Additional District Court, Erode.

For Petitioners : Mr. S.Kaithamalai Kumaran

ORDER

Respondents 1 and 2 filed an application in I.A.No.23 of 2016 in O.S.No.185 of 2015 before the learned I Additional District Judge, Erode to implead them as parties to the suit. The application was allowed by the trial court. The order dated 27.4.2016 is under challenge in this Civil Revision Petition.

2. The learned counsel appearing for the petitioners contended that no relief was claimed against the respondents 1 and 2 and as such they are not necessary parties. According to the learned counsel, the

respondents 1 and 2 made a claim on the basis of a Will which is yet to be proved. The learned trial Judge was therefore not correct in allowing the application.

3. The order passed by the trial court indicates that the plaintiff filed the suit for declaration and consequential injunction. The plaintiff died during the currency of the suit. Respondents 1 and 2 claimed that they are also the legal heirs and as such they are necessary parties for an effective adjudication of the matter. It was only under the said circumstances, the trial court allowed the application for impleading. The trial court, by impleading the respondents 1 and 2 as parties, has not decided the matter once for all. It is always open to the petitioners to plead and prove that the proposed respondents are not the legal heirs of deceased T.S.Ramasamy. I am therefore of the view that the trial court was correct in allowing the application for impleading.

4. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.10.2016

ajr
To

I Additional District Court, Erode.

K.K.SASIDHARAN, J.

ajr

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