

Application No.2596/2017
in
O.P.No.949/2015

V.PARTHIBAN, J.

A.No.2596 of 2017 has been filed for impleading themselves in the O.P.No.949/2015.

2.According to the applicants/third parties that the 4th respondent is the mother of the 1st applicant. The 1st applicant was married their father late M.Kannan on 21.08.1983 at Parnamallur, Vandavasi Taluk as per Hindu rites & customs and the same was an arranged marriage. And from the wedlock, three children were born, namely; K.Tamilarasan, K.Santhanalakshmi, K.Ilakiyarasan, the applicants are herein. According to the applicants, their father was employed as Staff Car Driver with Central Leather research Institute (CLRI), Adyar and earlier had served the Indian Army as 'Havildar'. Thereafter, he had passed away on 02.09.2005, and in view of the demise of the father, they are entitled to claim service benefits/terminal benefits payable to their late father from his employment/re-employment.

3.While matters stood thus, it appears that the respondents 1 to 3 herein who were petitioners in O.P.No.945/2015, suppressing the facts filed in the main petition as though, they are the only legal heirs of the late father M.Kannan. According to the applicants, the present applicants are not made parties in Original Petition. Therefore, they are necessary in proper parties for deciding the issue pending before this Court. According to the applicants, in case, they are not heard and the original petition is decided, they would be gravely prejudiced and would result in irreparable injury to the right to succeed the estate of their late father/M.Kannan.

4.The application for impleading was sought to be resisted by the learned counsel appearing for the respondents herein and who is the petitioner in the main original petition.

5.According to the learned counsel appearing for the respondent that the remedy for the applicants herein lies in some other forum and not before this Court in the original petition filed by the original

petitioner, the respondent herein. According to the learned counsel, the applicants herein need to establish their right to succeed as legal heirs in the separate proceedings and not in the present original petition filed by the respondents herein.

6.Considering the averments of the learned counsel and the averments contained in the affidavit filed in support of the application for impleading and the facts and circumstances of the case, this Court is of the view that no prejudice is caused to the original petitioner, if impleadment is ordered and rival claims is adjudicated upon by this Court. In the said circumstances, the impleading application filed by the applicants herein is ordered accordingly.

7.The Registry is directed to carry out the appropriate amendment in the original petition in terms of the present order.

19.06.2016

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