

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 13.2.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.(PD) No.3675 of 2016 and C.M.P.No.18751 of 2016

1 Savithiri
2 Saravanaperumal . . . Petitioners/Plaintiffs
Vs.
1 Vijayalakshmi
2 Sivaprakasam Pillai
3 Rajalakshmi
4 Kannan
5 Marimuthu
6 Ashokan ... Respondents/Defendant No.2, 5 to 9

This Civil Revision Petition is filed under Article 227 of Constitution of India against the order, dated 25.04.2016 made in I.A.No.117 of 2016 in O.S.No.113 of 2000 on the file of the District Munsif cum Judicial Magistrate, Nannilam.

For Petitioners : Mr.R.T.Shyamala
For Respondents : No appearance

ORDER

According to the petitioner, the respondent has filed a suit in O.S.No.113 of 2000 before the District Munsif, Nannilam. During pendency of

the suit, third defendant Durgadevi died issueless on 5.2.2016. Hence the petitioner has filed an application under Order 22 Rule 4-A of C.P.C. to implead the petitioners as legal representatives of the deceased third defendant. The trial court dismissed the application on the ground that the second petitioner is already a party in the suit.

2 Considering the facts and circumstances of the case, the application filed by the petitioners in I.A.No.117 of 2016 in O.S.No.113 of 2000 under Order 22 Rule 4-A of C.P.C. for impleading themselves as legal representatives of the deceased is not maintainable. The court below has rightly dismissed the application by holding that the 2nd petitioner is already party to the suit. Therefore, there is no warrant to interfere with the order passed by the court below. However, liberty is given to the petitioner to file a memo for recording the petitioners as legal representatives of the deceased third defendant on the basis of the Will.

3 The Civil revision petition fails and the same is dismissed with the above observation. No costs. Connected miscellaneous petition is closed.

13.2.2018

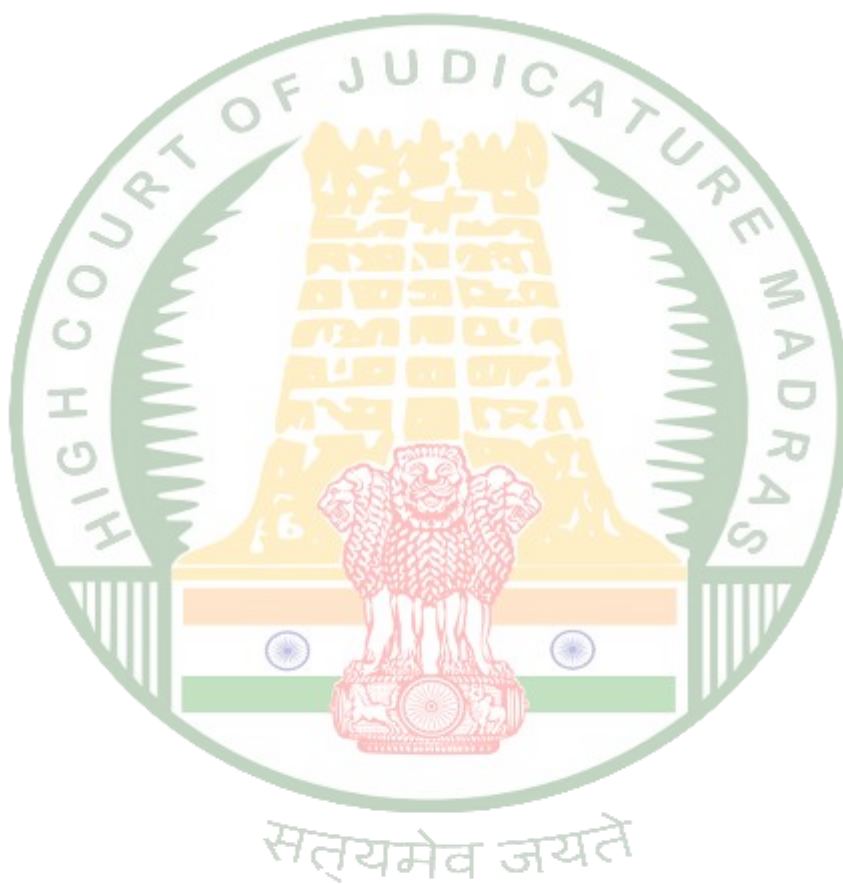
Speaking/Non Speaking order

Index: Yes/No

vaan

To

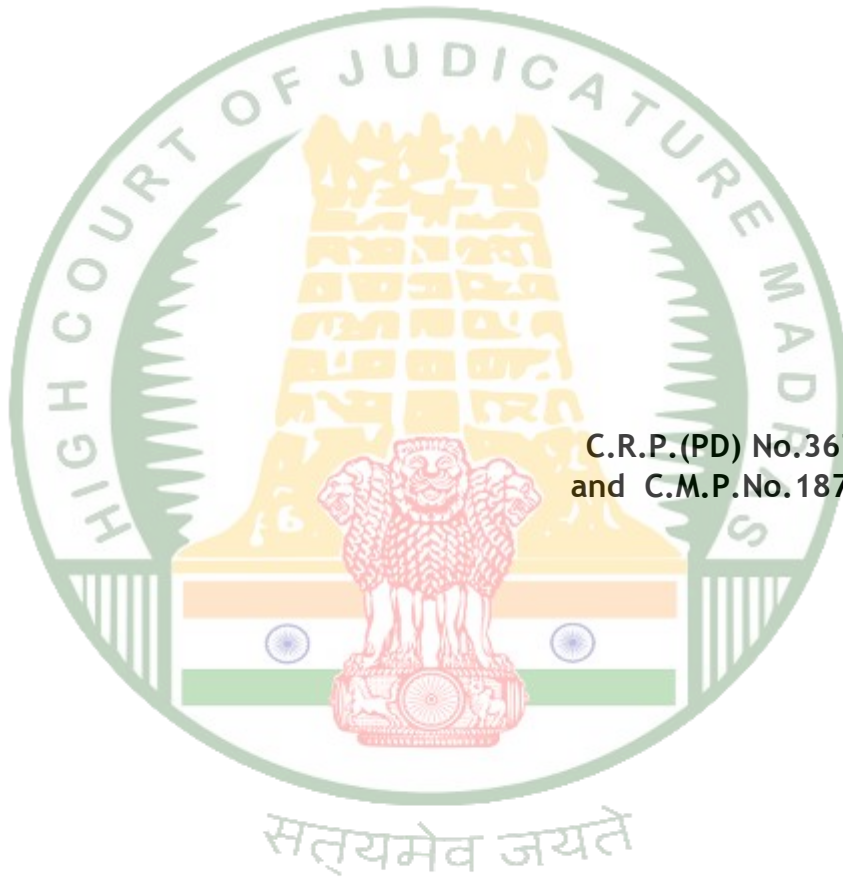
The District Munsif cum Judicial Magistrate, Nannilam



WEB COPY

D.KRISHNAKUMAR,J.

vaan



C.R.P.(PD) No.3675 of 2016
and C.M.P.No.18751 of 2016

WEB COPY

Dated: 13.2.2018