

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

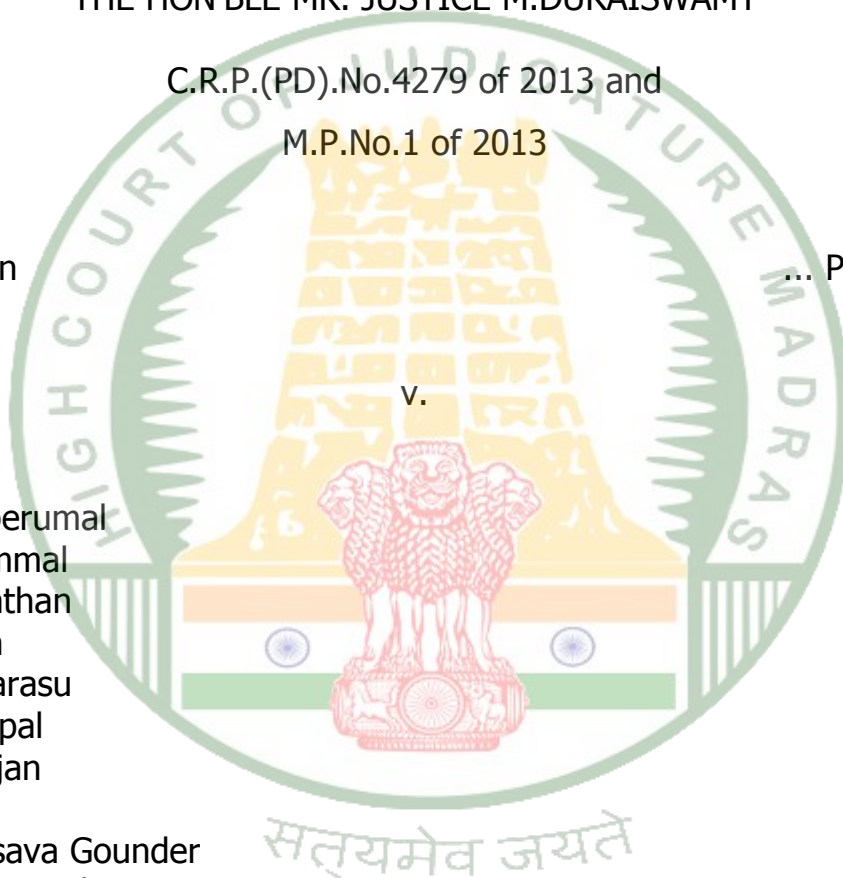
C.R.P.(PD).No.4279 of 2013 and
M.P.No.1 of 2013

Venkatesan

... Petitioner

v.

1. Kaliyaperumal
2. Muniammal
3. Loganathan
4. Sathish
5. Thangarasu
6. Rajagopal
7. Natarajan
8. Andal
9. Adi Kesava Gounder
10. Venu Gounder
11. Krishna Gounder
12. Lakshmana Gounder
13. Narayanan
14. Srinivasan
15. Suresh
16. Murugan
17. Mageswari
18. Sambasivam
19. Angammal
20. Kalai Selvi



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21. Kanchana
22. Kandan
23. Rajendran
24. Prabakaran
25. Vijaya
26. Prabhu
27. Ramya
28. Jansi Rani

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 12.07.2013 passed in I.A.No.335 of 2012 in O.S.No.32 of 2010 on the file of the Sub Court, Gingee.

For Petitioner : Mrs. Aswini Devi
for Mr.Rajaraman

For Respondents : Mr.T.S. Basaran

सत्यमेव जयते

ORDER

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Challenging the fair and final order passed in I.A.No.335 of 2012 in O.S.No.32 of 2010 on the file of the on the file of the Sub Court, Gingee, the 4th defendant has filed the above Civil Revision Petition.

2. The plaintiffs filed the suit in O.S.No.32 of 2010 for partition and for other reliefs. The defendants filed their written statement and are contesting the suit. In the suit, the plaintiffs filed an application in I.A.No.335 of 2012 under Order I Rule 10 of Civil Procedure Code to implead the respondents 16 to 25 as defendants 16 to 25 as the legal representatives of the 7th defendant.

3. The Trial Court, taking into consideration the case of both the parties, allowed the application on payment of cost of Rs.2,000/-.

4. It is brought to the notice of this Court that the 7th defendant had died even prior to the filing of the suit. In such circumstances, the plaintiff filed an application to implead the legal representatives of the deceased 7th defendant.

5. It is not in dispute that the proposed defendants 16 to 25 are the legal representatives of the deceased 7th defendant. When the proposed parties are the legal representatives of the deceased 7th

defendant, in a suit for partition, they are also necessary parties for proper adjudication of the matter. Therefore, the Trial Court has rightly allowed the application to implead them as defendants 16 to 25.

6. In these circumstances, I do not find any error or irregularity in the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

18.11.2019.

Index : Yes / No

Speaking order / Non Speaking Order

Rj

To

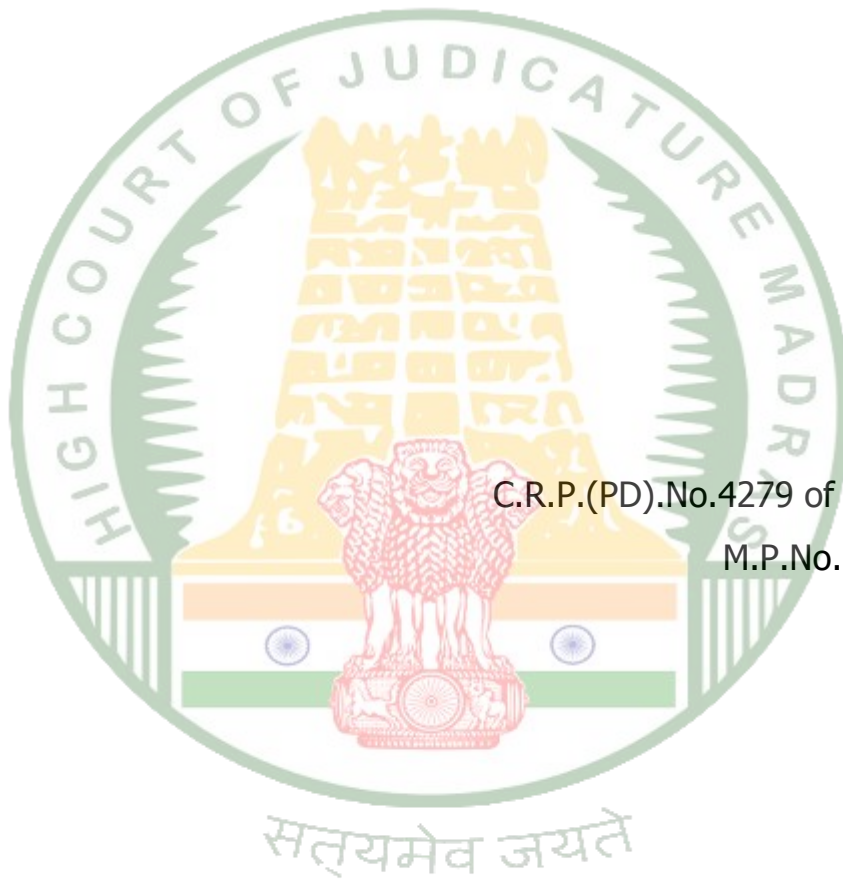
The Sub Court,
Gingee.

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C.R.P.(PD).No.4279 of 2013

M.DURAISWAMY, J.

Rj



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