

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2020

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP(NPD).No.4260 of 2013

and

M.P.No.1 of 2013

B. Lakshmi Sree

... Petitioner

Versus

1. Sri Thirumalai Finance Corporation,
A Registered Partnership Firm,
Carrying on business at
No.17/12, Jawaharlal Nehru Street,
Tindivanam.
Rep. by Santhana Krishnan Chettiar,
No.18, Krishna Pillai Street, Tindivanam.

2. D.Thiyagarajan

3. Manickam Chettiar

4. S.Raghunandan Chettiar

5. Sanjeev Gupta

6. Narasimha Gupta

7. Ranganatha Gupta

8. Rajaram

9. Usha @ Usha Parthasarathy

... Respondents

PRAYER: This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the order and decree dated 30.08.2013, made in I.A.No.481 of 2012 in O.S.No.126 of 2006, on the file of the Court of the Principal District Munsif, Tindivanam.

For Petitioner : Mr.R. Agilesh
For Respondents: No appearance

ORDER

This Civil Revision Petition has been filed against the order passed in I.A.No.481 of 2012 in O.S.No.126 of 2006, on the file of the Principal District Munsif, Tindivanam, dated 30.08.2013.

2. Respondents served. Name printed. None appeared.

3. The petitioner is the plaintiff in O.S.No.126 of 2006 seeking to claim the money due on the pro-note from the defendants therein. Pending suit, Santhana Krishnan Chettiar, who was representing the first defendant firm, died. The said Santhana Krishnan Chettiar is also arrayed as a party in his individual capacity as fifth defendant and hence the petitioner / plaintiff filed I.A.No.481 of 2012 to implead the legal heirs of the Santhana Krishnan Chettiar as a party respondent. The same was dismissed observing that since Santhana Krishnan Chettiar was only representing the firm, the legal heirs cannot be impleaded.

4. Heard the learned counsel for the petitioner and perused the records. It is a money suit filed on pro-note. The first defendant is a registered partnership firm represented by Santhana

Krishnan Chettiar and management of its affairs is carried on by the other persons. The said Santhana Krishnan Chettiar is also arrayed as fifth defendant in his individual capacity and hence, I.A.No. 481 of 2012 to bring the legal heirs of the deceased fifth defendant ought to have been allowed. Yet another point is that in view of the specific provisions in Order XXX Rule 4(2) of CPC, the legal heirs of the first defendant have to be added.

5. In view of the above, the Civil Revision Petition is allowed. The order dated 30.08.2013 made in I.A.No.481 of 2012 in O.S.No.126 of 2006 on the file of the District Munsif Court, Tindivanam, is set aside and the same stands allowed and the trial court is directed to effect the amendment to the cause title on proper application and dispose of the suit within a period of 12 weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is also closed.

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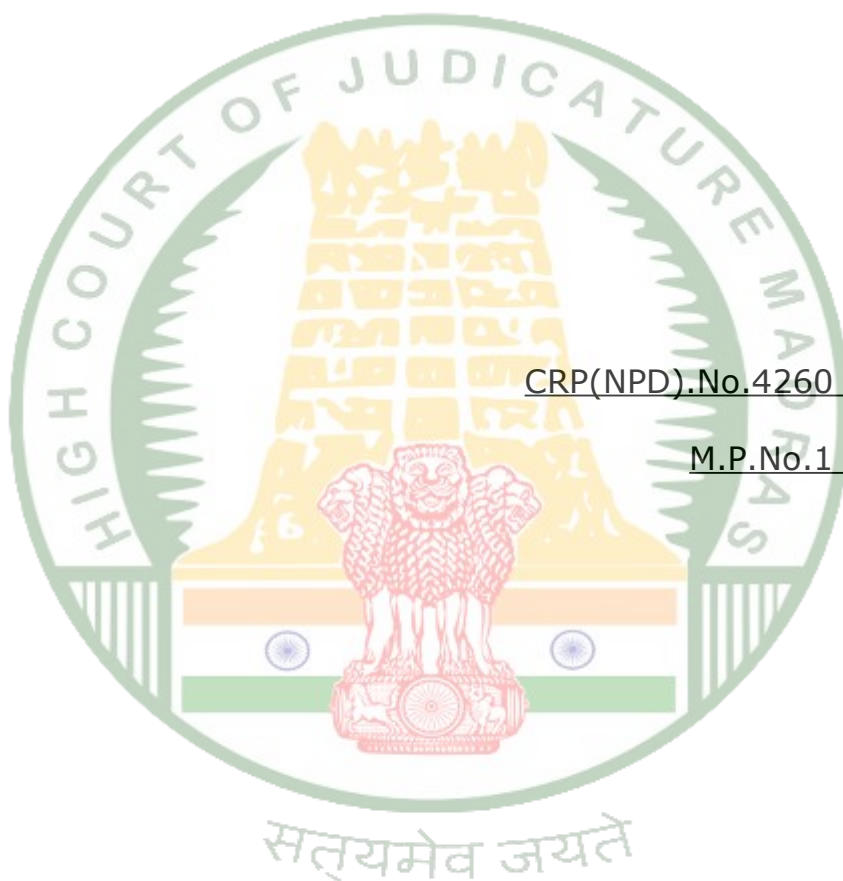
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Speaking Order:Yes/No

To
District Munsif Court, Tindivanam

CRP(PD).No.4260 of 2013

RMT.TEEKAA RAMAN, J.

bga



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