



CRP.Nos.1896 & 1897 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.Nos.1896 & 1897 of 2019 and
CMP.Nos.12435 & 12440 of 2019

CRP.No.1896 of 2019

- 1.K.Alamelu
- 2.K.Balakrishnan
- 3.K.Krishnamurthy
- 4.P.Vasanthi
- 5.C.Meenakshi
- 6.R.Chinthamani
- 7.R.Alamelu
- 8.C.Ramakrishnan
- 9.C.Palanisamy
- 10.K.Ramu
- 11.K.Subramani
- 12.K.Venkatan
- 13.C.Chandran
- 14.R.Vellayan

... petitioners

Vs.

- 1.K.Chinnaraj
- 2.P.Velliyammal
- 3.K.Chinnasamy
- 4.S.Rukmani
- 5.K.Ramar
- 6.S.Alfred
- 7.S.Sukumar
- 8.The District Collector,
Salem District,
Salem
- 9.The Tahsildar,



CRP.Nos.1896 & 1897 of 2019

Yercaud Taluk,
Salem District

10.C.Lakshmi
11.V.Pappathi
12.R.Santhi
13.S.Sulochana
14.C.Venkatachalam
15.C.Andiammal

... Respondents

PRAYER:

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 02.04.2019 in IA.No.367 of 2018 in OS.No.1141 of 2009 on the file of the II Additional District Munsif, Salem.

For Petitioner s : Mr.Selvaraj K.

For Respondents

For R1 to3 : Mr.S.Kalyanaraman

For R8 & 9 : Mr.C.Sathish,
Government Advocate

For R4 to 7,
10 to 15 : No appearance

CRP.No.1897 of 2019

1.K.Alamelu
2.K.Ramu
3.K.Subramani
4.K.Balakrishnan
5.K.Krishnamurthy
6.P.Vasanthi
7.C.Chandran
8.C.Meenakshi
9.R.Chinthamani



CRP.Nos.1896 & 1897 of 2019

10.R.Alamelu
11.R.Vellayan
12.K.Rajendran
13.C.Ramakrishnan
14.C.Palanisamy
15.C.Venkatachalam

... petitioners

Vs.

1.C.Andi
2.A.Vellamanian
3.C.Balraj
4.S.Alfred
5.S.Sukumar
6.The District Collector,
Salem District,
Salem
7.The Tahsildar,
Yercaud Taluk,
Salem District
8.C.Lakshmi
9.S.Rukmani
10.V.Pappathi
11.K.Venkatachalam
12.S.Sulochana
13.M.Selvarani
14.K.Ponniammal
15.C.Andiammal

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 02.04.2019 in IA.No.243 of 2018 in OS.No.1143 of 2009 on the file of the II Additional District Munsif, Salem.

For Petitioner s : Mr.K.Selvaraj

For Respondents

For R1 & 2 : Mr.S.Kalyanaraman

For R6 & 7 : Mr.C.Sathish,
Government Advocate



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CRP.Nos.1896 & 1897 of 2019

For R3 to 5,
8 to 15 : No appearance

COMMON ORDER

These civil revision petitions have been filed to set aside the fair and decretal order dated 02.04.2019 in IA.Nos.367 & 243 of 2018 in OS.Nos.1141 & 1143 of 2009 on the file of the II Additional District Munsif, Salem. thereby dismissed the petition to implead the petitioners as defendants in the suit.

2. The respondents 1 to 3 in both the civil revision petitions are the plaintiffs who filed suit for declaration and injunction in respect of the suit properties. While pending the suit, some of the petitioners filed application to implead themselves as defendants in the suit on the ground that the suit properties comprised in survey Nos.19/3, 19/5, 19/20, 19/21 are situated at Elavadi Village, Yercaud Taluk. One, Vellaya Gounder has purchased certain extent of the property by registered sale deed dated 02.11.1944 and also certain lands from the land comprised in survey Nos.19/3 & 19/4 by the registered sale deed dated 11.04.1945. The said Vellaya Gounder has got three sons by name Kariyaraman, Chinnathambi and Ramasamy. The said Vellaya Gounder and his sons died. The petitioners are the legal heirs of the said Kariyaraman, Chinnathambi and Ramasamy. However, the respondents 1 to 3 filed suit only as against the male legal heirs and without adding



CRP.Nos.1896 & 1897 of 2019

the female legal heirs and also the legal heirs of the deceased sons. However, it was dismissed on the ground that no oral and documentary evidence were adduced by both sides. Before this Court, the petitioners produced the death certificate of the said Ramasamy, Chinnathambi and Kariaraman along with the legal heirship certificate. Admittedly, all the petitioners are the legal heirs of all the deceased persons. Therefore, they are proper and necessary parties to the suit. As such, the impugned orders are liable to be set aside.

3. Accordingly, the fair and decretal order dated 02.04.2019 in IA.Nos.367 & 243 of 2018 in OS.Nos.1141 & 1143 of 2009 on the file of the II Additional District Munsif, Salem are set aside and both the civil revision petitions are allowed. The petitioners are at liberty to file their written statement within a period of two weeks from the date of receipt of copy of this order before the trial court. Thereafter, the trial court is directed to dispose of the main suit within a period of six months thereafter. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

06.02.2023

Speaking/non-speaking
Index : Yes/No
Internet : Yes
lok

G.K.ILANTHIRAIYAN, J.



CRP.Nos.1896 & 1897 of 2019

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To

- 1.The II Additional District Munsif,
Salem
- 2.The Public Prosecutor,
High Court of Madras

CRP.Nos.1896 & 1897 of 2019

06.02.2023