



C.R.P(MD)Nos.946 to 949 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2023

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)Nos.946 to 949 of 2023

CRP(MD)No.946 of 2023

Thangaraj (Died)

... Sole Plaintiff

1.Muthulakshmi

2.Rajamani

...Petitioners/Petitioners/
Proposed Petitioners 2 & 3/
Proposed Plaintiffs 2 and 3

Vs.

Periyasamy Gounder (Died)

...1st Defendant

1.Sakthivel

2.Vijayalakshmi

...Respondents 1 & 2/
Respondents 2 & 3/
Defendants 2 & 3

3.Sagunthala

4.Kavipriya

5.Navaneetha Krishnan

...Respondents 3 to 5/
Respondents 4 to 6/
Proposed Defendants 4 to 6



C.R.P(MD)Nos.946 to 949 of 2023

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 05.12.2022 passed in I.A.No.86 of 2022 in I.A.No.162 of 2021 in O.S.No.141 of 2009 on the file of Principal District Munsif Court, Dindigul.

For Petitioners : Mr.M.P.Senthil

CRP(MD)No.947 of 2023

Thangaraj (Died)

... Sole Plaintiff

1.Muthulakshmi

2.Rajamani

...Petitioners/Petitioners/
Proposed Petitioners 2 & 3/
Proposed Plaintiffs 2 and 3

Vs.

Periyasamy Gounder (Died)

...1st Defendant

1.Sakthivel

2.Vijayalakshmi

...Respondents 1 & 2/
Respondents 2 & 3/
Defendants 2 & 3

3.Sagunthala

4.Kavipriya

5.Navaneetha Krishnan

...Respondents 3 to 5/
Respondents 4 to 6/
Proposed Defendants 4 to 6



C.R.P(MD)Nos.946 to 949 of 2023

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 05.12.2022 passed in I.A.No.87 of 2022 in I.A.No.163 of 2021 in O.S.No.141 of 2009 on the file of Principal District Munsif Court, Dindigul.

For Petitioners : Mr.M.P.Senthil

CRP(MD)No.948 of 2023

Thangaraj (Died)

... Sole Plaintiff

1.Muthulakshmi

2.Rajamani

...Petitioners/Petitioners/
Proposed Petitioners 2 & 3/
Proposed Plaintiffs 2 and 3

Vs.

Periyasamy Gounder (Died)

...1st Defendant

1.Sakthivel

2.Vijayalakshmi

...Respondents 1 & 2/
Respondents 2 & 3/
Defendants 2 & 3

3.Sagunthala

4.Kavipriya

5.Navaneetha Krishnan

...Respondents 3 to 5/
Respondents 4 to 6/
Proposed Defendants 4 to 6



C.R.P(MD)Nos.946 to 949 of 2023

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 05.12.2022 passed in I.A.No.88 of 2022 in I.A.No.164 of 2021 in O.S.No.141 of 2009 on the file of Principal District Munsif Court, Dindigul.

For Petitioners : Mr.M.P.Senthil

CRP(MD)No.949 of 2023

Thangaraj (Died)

... Sole Plaintiff

1.Muthulakshmi

2.Rajamani

...Petitioners/Petitioners/
Proposed Petitioners 2 & 3/
Proposed Plaintiffs 2 and 3

Vs.

Periyasamy Gounder (Died)

...1st Defendant

1.Sakthivel

2.Vijayalakshmi

...Respondents 1 & 2/
Respondents 2 & 3/
Defendants 2 & 3

3.Sagunthala

4.Kavipriya

5.Navaneetha Krishnan

...Respondents 3 to 5/
Respondents 4 to 6/
Proposed Defendants 4 to 6



C.R.P(MD)Nos.946 to 949 of 2023

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order, dated 05.12.2022 passed in I.A.No.89 of 2022 in O.S.No.141 of 2009 on the file of Principal District Munsif Court, Dindigul.

For Petitioners : Mr.M.P.Senthil

COMMON ORDER

The petitioners herein are aggrieved by the impugned order, dated 05.12.2022 passed by the Principal District Munsif Court, Dindigul in I.A.Nos.86 to 89 of 2022.

2. The petitioners claim to be the legal heirs/legal representative of the deceased plaintiff, namely, Thangaraj, who had filed the suit in O.S.No.141 of 2009 before the Principal District Munsif Court, Dindigul for declaration of schedule property in the suit as a common pathway.

3. It appears that on 04.09.2020, the first defendant passed away and therefore, an application was filed to bring the fourth defendant as the defendant in the suit. Meanwhile, the plaintiff also passed away and therefore, the petitioners herein filed application to implead themselves as plaintiffs 2 and 3 to represent the interest of the deceased plaintiff, Thangaraj.



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4. By the impugned order, the Trial Court has dismissed the application filed by the petitioners stating that the petitioners have not produced any documents to substantiate that they are the legal heirs of the deceased plaintiff, namely, Thangaraj.

5. The learned counsel for the petitioner relied on the admission made by one Sagunthala, who was also proposed to be impleaded as the fourth defendant in the suit. The application has not been allowed. The admission of said Sagunthala is not sufficient to infer the petitioners are the legal heirs of the deceased Thangaraj.

6. Therefore, I do not find any reasons to interfere with the orders passed by the Principal District Munsif Court, Dindigul in I.A.Nos.86 to 89 of 2022. However, liberty is given to the petitioners to produce suitable legal heirship certificate which may be obtained from the revenue authorities to file a fresh application for impleading themselves as the legal heirs of the deceased plaintiff, namely, Thangaraj.



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7. The present Civil Revision Petitions stand dismissed with the above liberty. No costs.

06.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Principal District Munsif Court,
Dindigul.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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