



C.R.P.(NPD) (MD) No.91 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.R.P.(NPD) (MD) No.91 of 2015

Ramu @ Raman (Died)
M.K.Ramasamy (Died)
R.Vallatharasu
[rep.through his power agent
K.Krishnan as per order in
I.A.No.143 of 2010, dated
19.10.2010]

... Petitioner

-VS-

- 1.Karuppan
- 2.Muthuraman
- 3.Velu
- 4.Meenakshi
- 5.Palanichamy
- 6.Amirthavalli
- 7.Saravanan
- 8.Velu
- 9.Poovelmagan



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10.Kala

11.Raju

12.Ravi

13.Nagarajan

14.Kannuchamy

15.Murugesan

16.Ganesan

... Respondents

PRAYER: Civil revision petition is filed, under Section 115 of the Code of Civil Procedure, against the fair and executable order passed by the learned Subordinate Judge, Paramakudi, Ramanathapuram District, in I.A.No.177 of 2012 in A.S.No.4 of 2009, dated 20.06.2014 and to set aside the same.

For Petitioner : Mr.V.Srinivasan

For Respondents : Mr.J.Barathan for R2, R4, R5 & R7
R3 – Deceased
No appearance for R6

ORDER

For the sake of convenience, the parties are referred to as per the ranking in I.A.No.177 of 2012 in A.S.No.4 of 2009, on the file of the Sub Court, Paramakudi.



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2. This civil revision petition is preferred by the respondents 1 and 2 against the order dated 20.06.2014, passed in I.A.No.177 of 2012 in A.S.No. 4 of 2009, by the learned Sub Judge, Paramakudi, Ramanathapuram District.

3. The petitioners / appellants filed I.A.No.177 of 2012 to implead the legal heirs of the 11th respondent – Ganesan as appellants 8 to 10 in A.S.No.4 of 2009.

4. The Trial Court, by order dated 20.06.2014, allowed the said interlocutory application.

5. Aggrieved over the same, the respondents 1 and 2 have preferred this civil revision petition.

6. Learned counsel appearing for the petitioner would vehemently contend that when Ganesan was arrayed as 11th respondent, his legal heirs are necessarily to be brought on record only as respondents and not as appellants and therefore, the Trial Court ought not to have allowed the impleading application.



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7. A perusal of the papers shows that though the 11th respondent – Ganesan died even during the pendency of the first appeal, in the order dated 20.06.2014 passed in I.A.No.177 of 2012, he was shown as if he is alive. Further, the respondents 1 and 2, while filing this civil revision petition, have not brought the factum of the death of the 11th respondent – Ganesan and not even arrayed the legal heirs of the deceased Ganesan as party respondents, who are necessary parties in this civil revision petition. Hence, the civil revision petition is bad for non-joinder of necessary parties and the same is, therefore, liable to be dismissed.

8. In the result, the civil revision petition is dismissed. No costs.

30.03.2023

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

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To:
The Sub Judge,
Paramakudi,
Ramanathapuram District.



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L.VICTORIA GOWRI, J.

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