



C.R.P.(MD)No.2473 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2473 of 2023

and

C.M.P.(MD)No.12970 of 2023

A.Muthu Lakshmi

... Petitioner/
1st Respondent/
Plaintiff

Vs.

1. A.Rajagandhi

2. A.Kennady

... 1, 2 Respondents/
Petitioners/
Proposed
Defendant

3. The District Collector,
Office of the District Collector,
Madurai – 625 020.

4. The Tahsildhar,
Office of the Tahsildhar,
Madurai North Taluk,
Madurai District.

... 3, 4 Respondents/
3, 4 Respondents/
1, 2 Defendants



C.R.P.(MD)No.2473 of 2023

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and executable order passed by the District Munsif, Madurai Town/Taluk in I.A.No.492 of 2022 in O.S.No.63 of 2022 on 31.07.2023 and allow this Civil Revision Petition with cost.

For Petitioner : Mr.N.S.Karthikeyan

For R1 & R2 : Mr.P.Paranthaman

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.492 of 2022 in O.S.No.63 of 2022 dated 31.07.2023 on the file of the District Munsif Court, Madurai Taluk, allowing the petition filed under Order 1 Rule 10(2) C.P.C.

2. The revision petitioner has filed a suit in O.S.No.63 of 2022 against the respondents 3 and 4 to declare that she is the legal heir of the deceased Panthanam @ Karuppayee and for mandatory injunction directing the authorities to issue legal heir certificate. Pending suit, the respondents 1 and 2, who are the third parties, have filed an application to implead them as respondents 3 and 4 in the suit under Order 1 Rule 10(2) C.P.C. alleging that the revision petitioner has already filed a suit in



C.R.P.(MD)No.2473 of 2023

O.S.No.58 of 2018 to declare that she is the legal heir of one Kalungan and obtained decree and that the same was suppressed in the present suit. The learned District Munsif has passed a short order, by observing that the presence of the respondents 1 and 2 was necessary for appropriate adjudication and also to avoid the multiplicity of proceedings, allowing the petition.

3. As rightly contended by the learned counsel appearing for the revision petitioner, the respondents 1 and 2, in their affidavit filed in support of the impleading petition, have admitted that the revision petitioner has got an order from the competent Court that she is the legal heir of her father Kalungan and the said Kalungan is the husband of the revision petitioner's mother Panthanam @ Karuppayee and that the District Munsif, without going into those aspects, has passed the impugned order allowing the application.

4. The learned counsel appearing for the respondents 1 and 2 would submit that they are ready to produce necessary documents to prove their rights and their claim, if they are afforded an opportunity to produce the same before the Court.



C.R.P.(MD)No.2473 of 2023

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5. Considering the above, the impugned order permitting the impleadment is not proper and as such, the same is liable to be set aside.

6. In the result, this Civil Revision Petition is allowed and the order passed in I.A.No.492 of 2022 in O.S.No.63 of 2022, dated 31.07.2023 is set aside and the matter is remitted back to the trial Court and the learned District Munsif, Madurai Taluk is directed, after receiving the evidence if any, to conduct enquiry afresh and dispose of the application in I.A.No. 492 of 2022 within a period of one month from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

05.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



C.R.P.(MD)No.2473 of 2023

WEB COPY **To**

1. The District Munsif,
Madurai Taluk.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.2473 of 2023

K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)No.2473 of 2023
and
C.M.P.(MD)No.12970 of 2023

Dated : 05.10.2023