



C.R.P.(PD)No.2658 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 19.07.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD)No.2658 of 2024

and

C.M.P.No.13962 of 2024

1.Mathivanan

2.Sivasankaran

3.Logeshwaran

.. Petitioners

Vs.

Gnanambal (Died)

1.Kalyana Sundaram

2.Shanthi Sundaram

3.Arumugam

4.Saminathan

5.Karthikeyan

6.Chellam

7.Murugan



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8.Rajendran

9.Nethaji

.. Respondents

Prayer : The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed by the learned Additional Subordinate Judge at Tiruvannamalai in I.A.No.2 of 2022 in A.S.No.21 of 2014 dated 23.02.2024.

For Petitioners : Mr.K.Venkatasubban

ORDER

The present Civil Revision Petition arises against an order passed by the learned Additional Subordinate Judge at Tiruvannamalai in I.A.No.2 of 2022 in A.S.No.21 of 2014 dated 23.02.2024.

2. A.S.No.21 of 2014 arises out of a suit in O.S.No.131 of 2009 on the file of the learned District Munsif at Tiruvannamalai.

3. The suit in O.S.No.131 of 2009 sought declaration of possessory title as a life interest holder over the property and for consequential relief of injunction. The said suit came to be decreed in and by way of the judgment of the learned District Munsif on 26.03.2014.



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4. Aggrieved by the same, an appeal was preferred before the learned Subordinate Judge at Tiruvannamalai by defendant Nos.4 and 5 and the same was received as A.S.No.21 of 2014.

5. Pending the appeal, Gnanambal passed away on 20.08.2020. Therefore, applications were taken out to implead her legal representatives.

6. It is the case of the 1st civil revision petitioner, who is the 2nd respondent in the appeal, that apart from the legal representatives, who have been shown as the legal representatives of the deceased Gnanambal in the impleadment application, there are other persons who have been left out by the appellants. The learned trial Judge after considering the petition and counter had allowed the applications impleading the legal representatives, who were shown as proposed parties in I.A.No.2 of 2022, against which the present revision has been presented before this Court.

7. Mr.K.Venkatasubban would plead that the deceased Gnanambal had left behind several children as her legal representatives and all of them have not been brought on record. He would plead that selectively



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respondent Nos.5 to 11 alone have been impleaded in the appeal. Therefore, he would state that the order of the Court below requires to be revised.

8. The position of law with respect to bringing on record the legal representatives is settled. It is sufficient even if one legal representative is brought on record to represent the estate of the deceased.

9. The 1st civil revision petitioner/Mathivanan is already on record as the 2nd respondent in the appeal. Therefore, all that the respondent Nos.1 and 2 need to have done is to file a memo and record that Mathivanan represents the estate of Gnanambal. Instead of doing so, they have taken out the applications to implead the other legal heirs of the deceased. There is no dispute in the relationship between the proposed parties and the deceased Gnanambal. If the remaining legal representatives of the deceased Gnanambal are interested to come on record, it is always open to them to file an application to implead themselves. I do not think the order passed by the learned Additional Subordinate Judge at Tiruvannamalai needs to be revised.



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WEB COPY 10. Accordingly, the Civil Revision Petition stands dismissed. No costs. The connected Civil Miscellaneous Petition is closed.

19.07.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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V. LAKSHMINARAYANAN, J.

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To

The learned Additional Subordinate Judge,
Tiruvannamalai

C.R.P.(PD)No.2658 of 2024

and

C.M.P.No.13962 of 2024

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