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C.R.P.(NPD)No.3641 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(NPD) No.3641 of 2024

Mallika

W/o Mohan Krishnan

..

Petitioner

-VS-

Rajammal (died)

Kannakambal (died)

Selvam (died)

1. V.Sampathkumar
 2. Raman, S/o Krishna Gounder
 3. Govindan, S/o Krishna Gounder
 4. Lavanya, D/o late Rajendran
 5. Ramya, D/o late Rajendran
 6. Dharani, D/o late Rajendran
 7. Vikram, S/o late Rajendran
 8. Pavunammal, W/o Jayakumar
 9. Jayaraman, S/o late Malla Muthu Gounder
 10. Mohan Gandhi, S/o late Malla Muthu Gounder
 11. Pushpalatha, W/o Duraisamy
 12. Chitra, W/o Rajendran
 13. V.Sekar, S/o Venkatachalam
 14. V.Ravi Kumar, S/o late Venkatachalam
 15. A.Manickam, S/o Alagappa Gounder
- Gandhaai (a) Ponnu (died)
- Gandhamani (died)

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Respondents



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Memorandum of Grounds of Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 25.06.2024 passed in I.A.No.3 of 2023 in I.A.No.274 of 2012 in O.S.No.27 of 1989 on the file of the learned Additional Sub Judge, Dharmapuri.

For Petitioner	:: Mr.K.Ravi Anantha Padmanabhan Senior Counsel for Mr.B.Thirumalai
For Respondents	:: Mr.V.Raghavachari Senior Counsel for Mr.A.Gokulakrishnan for R1 Mr.R.Sathish for R2 to R12 R13 & R14 – left R15 – no appearance

ORDER

Challenge has been made to the impugned order dated 25.06.2024 passed by the learned Additional Sub Judge, Dharmapuri in allowing I.A.No.3 of 2023 and dismissing the final decree petition in I.A.No.274 of 2012 in O.S.No.27 of 1989.

2. The 14th petitioner in the final decree petition is the revision petitioner. The 2nd respondent in the final decree petition filed I.A.No.3 of 2023 to dismiss the final decree petition on the ground that abatement was



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caused due to the non-impleadment of the legal representatives of the 10th petitioner, in the final decree petition. The trial Court allowed the said application. Challenging the same, the present revision is filed.

3. At the outset, the order impugned cannot be sustained, for the simple reason that the legal heirs of the 10th petitioner in the final decree petition, namely, Sathishkhanna and Punitha have already been impleaded vide the order dated 07.08.2023 in I.A.No.8 of 2023. Therefore, the impugned order allowing the application cannot be sustained.

4. The learned Senior Counsel appearing for the first respondent would submit that the legal heirs of one Kandhamani have not been impleaded. Whereas the learned Senior Counsel for the revision petitioner submitted that the legal heirs of Kandhamani, namely, Arunkumar and Ramya have also been impleaded vide the order dated 07.08.2023 in I.A.No.8 of 2023.

5. It was also submitted by the learned Senior Counsel appearing for



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the first respondent that as against the impugned order, the plaintiffs have also filed an appeal in A.S.No.34 of 2024, for which the learned Senior Counsel appearing for the revision petitioner agreed before the Court that the said A.S.No.34 of 2024 will be withdrawn by the plaintiffs. The said statement is recorded.

6. Be that as it may. Now the cause title in the amended I.A.No.274 of 2012 clearly indicates that the legal representatives of the respective deceased have already been impleaded as per the order dated 07.08.2023 in I.A.No.8 of 2023. In view of the same, the impugned order rejecting the final decree petition as abated, stands set aside and the I.A.No.274 of 2012 is restored to file. The trial Court is directed to proceed with the final decree proceedings in the manner known to law. It is also made clear that if any of the legal representatives to the lis is not brought on record, the plaintiffs are entitled to file interlocutory application for their impleadment and the trial Court shall allow such application without reference to the delay. Even though the main suit is of the year 1989, it has not seen the light of the day. Therefore, the trial Court should ensure that a final decree is



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passed in terms of the preliminary decree, within a period of four months from the date of receipt of a copy of this order. The parties shall also co-operate for the disposal of the final decree petition within the time stipulated in this order. No costs.

Index: yes/no

14.11.2024

Neutral citation : yes/no

SS

To

1. The learned Additional Sub Judge
Dharmapuri



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N.SATHISH KUMAR, J.

SS

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