



CRP No.57 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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CMP No.226 of 2024

1. V.Prabakaran
2. Vijayalakshmi
3. Sasikumar
4. Naresh
5. Jayashree

... Petitioners

Vs.

- G.Narayanan (since deceased)
1. Bommi
 2. Revathy
 3. Usha Rani
 4. Kamakshi
 5. N.Kotteeswari
 6. N.Rajalashmi
 7. N.Hari Krishnan

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 24.08.2023 passed by the Principal District Munsif, Alandur in I.A.No.841/2019 in I.A.No.94/2017 in O.S.No.43/2017.



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For Petitioners : Mr.R.N.Amarnath

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ORDER

This Civil Revision Petition has been filed to set aside the order dated 24.08.2023 passed by the learned Principal District Munsif, Alandur in I.A.No.841/2019 in I.A.No.94/2017 in O.S.No.43/2017.

2. The brief facts leading to the filing of Civil Revision petition is as follows:

Originally, the deceased G.Narayanan had filed the above suit against the petitioners/defendants seeking permanent injunction restraining them from interfering with his peaceful possession and enjoyment of the suit property and also from alienating or encumbering the suit schedule property. After his demise, the respondents herein have filed impleading petition in I.A.No.841/2019 to implead themselves as parties/defendants in the above said suit and the same was allowed by the Trial Court, vide order dated 24.08.2023. Challenging the same, the present civil revision petition



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has been filed.

3. Heard the learned counsel for the petitioners and I have perused the materials on record.

4. Admittedly, the petitioners herein are the defendants in the above suit, which was filed for permanent injunctions restraining the petitioners/defendants from disturbing the peaceful possession and enjoyment of the suit schedule property and also from alienating or encumbering the property. While filing the suit, one G.Narayanan was the sole plaintiff and pending suit, he died on 09.05.2018 and hence, the respondents herein have filed the above impleading petition to implead themselves as plaintiffs to contest the suit, since they are the legal heirs of the deceased G.Narayanan (first respondent is wife and the others are daughters and son of the deceased).

5. It is the main contention of the petitioners/defendants that the respondents have not filed legal heirship certificate issued by the competent



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authority to prove that they are the legal heirs of the deceased G.Narayanan and hence, without any legal heirship certificate, impleading them as plaintiffs in the suit is unsustainable and hence the impugned order is liable to be set aside.

6. When the suit is being filed for permanent injunction against the petitioners/defendants by a sole plaintiff, after his demise, his legal heirs have filed the above said petition to succeed the properties of the plaintiff. Further, the cause of action for filing the suit survives only upon the legal heirs of the deceased plaintiff. Therefore, his legal heirs have been impleaded. Non filing of the legal heirship certificate of the deceased plaintiff is not a ground to reject the petition for impleading the legal heirs of the deceased, as parties to the suit. Even a legal representative is also a competent person to implead himself as a party to the suit to proceed the suit and to safeguard the property. Therefore, the Trial Court has satisfied that the respondents herein are the legal heirs of the deceased G.Narayanan and hence rightly allowed the petition to implead themselves as plaintiffs



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and permitted them to conduct the suit. Such view of the matter, I do not find any infirmity in the order passed by the learned Judge and the civil revision petition filed by the petitioners is liable to be dismissed, as it has no merits.

7. In fine, the civil revision petition is dismissed and the impugned order passed by the Trial Judge is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

05.02.2024

Index: Yes/No
Internet: Yes/No
mst

To

1. The Principal District Munsif, Alandur.



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V.SIVAGNANAM, J.,

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