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CMP NO. 6203 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: **19-03-2025**
CORAM
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN
CMP NO. 6203 of 2022
in
A.S.No. 822 of 2012

K. Sadasivam (deceased)

- 1.K.Krishnamoorthy
- 2.Pappathiammal (deceased)
- 3.K.Balasubramaniam
- 4.D.Kanagaraj
- 5.Kalaiarasi
- 6.Suresh

....Petitioners

Versus

1. K.Velusamy
S/o. Kalianna Gounder, 1/158, Krishnapuram,
Dumamkurichi Post, Namakkal.
2. K. Vasudevan
S/o. Kalianna Gounder, 1/154,
Krishnapuram, Dumamkurichi Post,
Namakkal.
3. K. Arunachalam
S/o. Kalianna gounder, 1/160,
Krishnapuram, Dumamkurichi Post,
Namakkal.
4. K. Natesan
S/o. Kalianna Gounder, 1/157,
Krishnapuram, Dumamkurichi Post,
Namakkal.



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5. K. Srinivasan
S/o. Kalianna Gounder,
H-1-10, Mullai Nagar,
Mohanur Road, Namakkal.

...Respondents

Prayer: CMP No. 6203 of 2022 filed under Order 22 Rule 3 CPC seeking to bring on record of the legal heirs of the deceased 1st appellant as detailed hereunder and rank him as the 7th appellant.

For Petitioners : Mr.K.Vijayaraghavan
For Respondent-5 : Mr.C.Jagadish

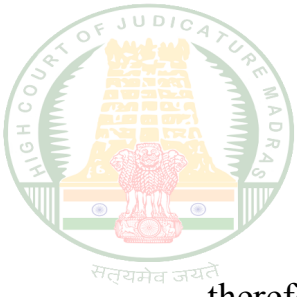
ORDER

Counsel for the petitioners is present.

2.The Instant Application has been filed to implead the legal heirs of the deceased first appellant, namely, K.Sadasivam.

3.According to the petitioners, the deceased 1st appellant/K.Sadasivam died on 19.08.2021 leaving behind his wife, two daughters and the petitioner herein, who is arrayed as the proposed party.

4.It is submitted that during the life time of his father, his mother and sisters were executed Release Deed on 23.12.2016. Therefore, he is the only person would succeed the estate of the deceased 1st appellant and



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therefore, prayed to allow the application.

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5.The learned Counsel appearing for the respondents would submit that though the petitioner had pleaded an existence of other legal heirs, the non implement of those legal heirs would make this application, become defective. But this Court could not find any merits in the submission made by the learned Counsel for the respondents. If the respondent wants the presence of other legal heirs nothing prevented them to move an application for impleading.

6.Hence, considering the averment in the affidavit and the alleged release deed, the petitioner is the only person to succeed the estate of the deceased. Therefore, this application is allowed and ordered to be impleaded as 7th appellant as the legal heirs of the first appellant deceased.

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MSM

Note: Registry is directed to make necessary amendment in the appeal memorandum.



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C.KUMARAPPAN, J.

MSM

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in

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