



WEB COPY

A No. 4162 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

THE HONOURABLE DR.JUSTICE R.N.MANJULA

**A No. 4162 of 2025, A NO. 5316 OF 2022 and A NO. 4163 OF 2025
in
CS NO. 1132 OF 2009,**

1. Vijayalakshmi Balachandran
(Deceased) 1.Kumar Balachandran
S/o.Balachandran, 5783 San Antonio
St.Pleasanton CA 94566 USA.

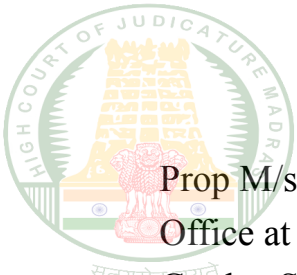
2. Krishna Balachandran
S/o.Balachandran, 4 Sheffield Court,
Morganville NJ 07751 USA. Local
Address for service D-302 Lancor TCP
Altura, Model School Road,
Sholinganallur, Chennai 600 119.

Applicant(s)

Vs

1. P.Pappayammal (Deceased)
1.A.Nagarajan
ADOPTED SON OF
P.PAPPAYAMMAL S/o.T.Ananda
Naidu, 17/3, 3rd Avenue, Sri
Velmurugan Nagar, Kolathur, Chennai
600 099.

2.S.Radhakrishnan



Prop M/s.Venus Constructions, Having
Office at No.38, Old No.42, Beemasena
Garden Street, Mylapore, Chennai 600
004.

3.R.Usha

W/o.Mr.S.Radhakrishnan, No.191,
Lloyds Road, Gopalapuram, Chennai
86.

4.K.R.Subbulakshmi

W/o.Late C.D.Ayyar, 2F, Quantazen
Thomas Road, 2nd Street, T.Nagar,
Chennai 17.

5.L.N.Mohan

S/o.L.S.Natarajan, No.5,
Jagaadeeswaran Street, T.Nagar,
Chennai 17.

6.N.Vasantha

W/o.Anantharaman, No.5,
Jagadeeswaran Street, T.Nagar, Chennai
17.

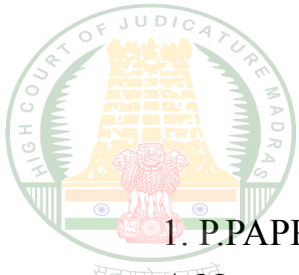
7.Nalini

W/o.Vasudevan, Plot nO.15, Flat No.18
Kaveri Sector 14, Vashi Navi Mumbai,
Maharastra 400 703.

8.Dr.L.N.Sekhar

6819, 54th Avenue, Seattle,
Washington, USA 98115.

Respondent(s)



A No. 5316 of 2022

1. P.PAPPAYAMMAL (Died)

A.Nagarajan Adopted Son of

P.Pappayammal

S/o.T.Ananda Naidu, 17/3, 3rd Avenue,
Sri Velmurugan Nagar, Kolathur,
Chennai 600 099.

Applicant(s)

Vs

1. Ms.Chandrika Ayyar (Deceased) and
8 others

No.16, Old No.12, Jagadeeswaran
Street, T.Nagar, Chennai 600 017.

2.S.Radhakrishnan

Prop M/s.Venus Constructions, Having
Office at No.38, Old No.42, Beemasena
Garden Street, Mylapore, Chennai 600
004.

3.Mrs.R.Usha

W/o.Mr.S.Radhakrishnan, No.191,
Lloyds Road, Gopalapuram, Chennai
86.

4.K.R.Subbulakshmi

W/o.Late C.D.Ayyar, 2F, Quantazen
Thomas Road, 2nd Street, T.Nagar,
Chennai 17.

5.Vijayalakshmi Balachandran

W/o.Balachandran, 3B, Coral 8,
Raghaviah Road, T.nagar, Chennai 17.



A No. 4162 of 2025



6.L.N.Mohan
S/o.L.S.Natarajan, No.5,
Jagaadeeswaran Street, T.Nagar,
Chennai 17.

7.N.Vasantha
W/o.Anantharaman, No.5,
Jagadeeswaran Street, T.Nagar, Chennai
17.

8.Nalini
W/o.Vasudevan, Plot nO.15, Flat No.18
Kaveri Sector 14, Vashi Navi Mumbai,
Maharastra 400 703.

9.Dr.L.N.Sekhar
6819, 54th Avenue, Seattle,
Washington, USA 98115.

Respondent(s)

A No. 4163 of 2025

1. Vijayalakshmi Balachandran
(Deceased) 1.Kumar Balachandran
S/o.Balachandran, 5783 San Antonio
St. Pleasanton CA 94566 USA,

2.Krishna Balachandran
S/o.Balachandran, 4 Sheffield Court,
Morganville NJ 07751 USA. Local
Address for service D-302 Lancor TCP
Altura, Model School Road,
Sholinganallur, Chennai 600 119.

Applicant(s)

Vs

1. P.Pappayammal (Deceased)



1.A.Nagarajan

ADOPTED SON OF

P.PAPPAYAMMAL S/o.T.Ananda

Naidu, 17/3, 3rd Avenue, Sri
Velmurugan Nagar, Kolathur, Chennai
600 099.

2.S.Radhakrishnan

Prop M/s.Venus Constructions, Having
Office at No.38, Old No.42, Beemasena
Garden Street, Mylapore, Chennai 600
004.

3.R.Usha

W/o.Mr.S.Radhakrishnan, No.191,
Lloyds Road, Gopalapuram, Chennai
86.

4.K.R.Subbulakshmi

W/o.Late C.D.Ayyar, 2F, Quantazen
Thomas Road, 2nd Street, T.Nagar,
Chennai 17.

5.L.N.Mohan

S/o.L.S.Natarajan, No.5,
Jagaadeeswaran Street, T.Nagar,
Chennai 17.

6.N.Vasantha

W/o.Anantharaman, No.5,
Jagadeeswaran Street, T.Nagar, Chennai
17.

7.Nalini

W/o.Vasudevan, Plot nO.15, Flat No.18
Kaveri Sector 14, Vashi Navi Mumbai,



A No. 4162 of 2025



Maharashtra 400 703.

8.Dr.L.N.Sekhar

WEB 6819, 54th Avenue, Seattle,
Washington, USA 98115.

Respondent(s)

A No. 4162 of 2025

PRAYER: Application is filed to set aside the abatement, caused due to the death of the 4th Respondent/5th Defendant in A.No.5316 of 2022.

A No. 5316 of 2022

PRAYER: Application is filed to bring A.Nagarajan as the Legal heir of the deceased Mrs.P.Pappayammal on record in C.S.No.1132 of 2009 as proposed plaintiff in the above said suit to the Judges summons

A No. 4163 of 2025

PRAYER: Application is filed to bring the applicant on record as the legal heirs of the deceased 5th respondent as Respondents 10 and 11 in the above application in A.No.5316 of 2022

A.No.5316/2022:

For Applicant(s): M/s.M.Velmurugan

For Respondent(s): M/s.G.Sumithra for D5
Mr.S.A.Rajan for D2, D3

A.No.4162 & 4163 of 2025:

For Applicant : Ms.G.Sumitra

For Respondent : Mr.S.A.Rajan for D2 and D3



COMMON ORDER

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The application in A.No.5316/2022 has been filed by the applicant for claiming himself as the legal heir of the deceased sole plaintiff P.Pappayammal. During the pendency of the suit the first defendant died and the defendants 4 to 9 have been impleaded as the legal heir of the deceased first defendant. The fifth defendant also died and the applications have been filed in A.No.4162 & 4163/2025 to implead the legal heirs of deceased fifth defendant.

2. The sole plaintiff P.Pappayammal died. It appears that the legal heirs of the fifth defendant themselves have filed the application to implead themselves as legal heirs of the deceased fifth defendant. When the plaintiff is no more, the suit itself is meaningless. Hence, the defendant cannot contest the suit against a death person. The applicants in A.No.4162 & 4163/2025 who claim themselves as the legal heirs of the deceased fifth defendant can only file an application to implead themselves as parties to the proceedings in view of inability or failure on the part of the plaintiff to implead the legal heirs of the deceased fifth defendant.

3. As stated already the plaintiff died and no one has been impleaded as the legal heirs of the deceased plaintiff. Only when any of the applicants claim themselves as legal heirs of deceased plaintiff is allowed to enter into the suit as legal heirs and occupy the position as plaintiffs, the possibility of filing applications for impleading the legal heirs of the deceased fifth defendants will



arise. In view of the same, the application in A.No.5316/2022 has to be considered first. If the applicant who has filed the above application should be allowed to implead himself as the legal heir of Pappayammal, however, without prejudice to the contention of defendants as to the relationship status of the newly impleaded plaintiff with the deceased Pappayammal. Without any plaintiff on record, no progress in the suit can be made.

4. The learned counsel for the proposed legal heirs of pro-parties who claim themselves as legal heirs of fifth defendant, submitted that on the order of the Court, evidence has been let in A.No.5316/2022 and serious objections have been made as to the status of the applicant. When the suit itself gets abated in the absence of impleading the legal heirs of the deceased plaintiff, no amount of evidence that might have let in any of the applications could save the suit. If situation is allowed to be present, even the defendants cannot raise any point as to the relationship status of the party who wishes to implead himself as the legal heir of the deceased plaintiff. Though the evidence is taken in A.No.5316/2022 as to the status of the relationship of the applicant in A.No.5316/2022 with the deceased Pappayammal, that issue can be allowed to be raised only in the written statement that might be filed by the proposed parties. As of now, neither the proposed parties who have filed applications in A.No.4162, 4163/2025 and A.No.5316/2022 are parties to the suit. Without impleading them as parties to the suit, it is not a necessary exercise to deal with the issue that might crop up in the suit.



5. In view of the same and in order to ensure the progress of the suit and to deal with the main issues raised in the suit, I feel all these applications should be allowed. That will enable the parties to get impleaded themselves as parties to the suit and then to file a written statement and raise objection with regard to the relationship status of the new plaintiff with the deceased Pappayammal. Only in that context an issue can be framed on this aspect and then the suit can be tried comprehensively along with the other issues. Even the evidence alleged to have been taken so far as to the relationship status of the applicant with the deceased Pappayammal, can also be marked as an Exhibit during the trial in order to prevent the repeated oral evidence on this aspect.

6. In view of the above observations, these applications are allowed.

26-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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A No. 4162 of 2025



R.N.MANJULA J.

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**A No. 4162 of 2025
AND CS NO. 1132 OF
2009,A NO. 5316 OF
2022,A NO. 4163 OF
2025**

26-09-2025