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C.R.P. (PD) Nos.2959,
2960 and 2964 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.08.2025
PRONOUNCED ON : 29.08.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P. (PD) Nos.2959, 2960 and 2964 of 2025
and
C.M.P. No.16699 of 2025

1. Muthuselvi Kandasamy
2. Sudiksha Muthukrishnan
3. Lakshya Muthukrishnan *
* Cause title accepted and 1st petitioner
recognised power of Attorney,
petitioners 2 and 3 vide Court order,
dated 11.07.2025 made in CMP Nos.16355,
16348 and 16367 of 2025, and 16357,
16350 and 16369 of 2025 in
CRP SR Nos.105551, 105549
and 105550 of 2025

... Petitioners in
all CRPs

vs.

Ammamuthu (Died)

1. S. Shanmugaraja
2. S. Annalakshmi

... Respondents in
all CRPs

Prayer in C.R.P. No.2959 of 2025 : Civil Revision Petition filed under
Article 227 of the Constitution of India as against the common fair and
decreetal order, dated 17.04.2025 passed in I.A .No.04 of 2024 in O.S.



C.R.P. (PD) Nos.2959,
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No.207 of 2020 by the III Additional District & Sessions Court,
Tiruvallur at Poonamallee.

Prayer in C.R.P. No.2960 of 2025 : Civil Revision Petition filed under Article 227 of the Constitution of India as against the common fair and decreetal order, dated 17.04.2025 passed in I.A .No.06 of 2024 in O.S. No.207 of 2020 by the III Additional District & Sessions Court, Tiruvallur at Poonamallee.

Prayer in C.R.P. No.2964 of 2025 : Civil Revision Petition filed under Article 227 of the Constitution of India as against the common fair and decreetal order, dated 17.04.2025 passed in I.A .No.05 of 2024 in O.S. No.207 of 2020 by the III Additional District & Sessions Court, Tiruvallur at Poonamallee.

In all CRPs

For Petitioners	: Mr. D. Srinivasaragavan
For Respondents	: Mr.K.S. Viswanathan, SC for Mr.K. Mayurapriyan for R2 No appearance for R1

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COMMON ORDER

These revision petitions arise out of applications filed for impleading the legal heirs of the Mother in-law of the first defendant and grand mother of defendants 2 and 3.

2. I have heard Mr.D.Srinivasaragavan, learned counsel for the



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petitioners in all these revision petitions, Mr.K.S. Viswanathan, learned Senior Counsel for Mr.K. Mayurapriyan, learned counsel for the 2nd respondent.

3. The main ground of challenge to the orders of the trial Court is that the properties which are the subject matter of the suit are admittedly the self acquired properties of the husband of the 1st plaintiff and father of plaintiffs 2 and 3, who are the revision petitioners.

4. Being Class-I legal heirs, the mother of the deceased Muthukrishnan has filed a suit in O.S. No.207 of 2020, where the sole plaintiff had claimed a relief of partition and separate possession. However, pending the suit, the sole plaintiff, i.e., the mother of the deceased Late Muthkrishnan passed away and the legal heirs of the said plaintiff sought to implead themselves in the said suit in the place of the deceased sole plaintiff-mother under Order 22 of the Code of Civil Procedure. As there was delay and abatement, necessary applications for condonation of delay and setting aside the abatement were also filed. The three applications were taken up together and the learned Additional District and Sessions Judge, by order, dated 17.04.2025 allowed the said applications finding that the proposed parties were necessarily to be impleaded as the Legal Representatives of the sole plaintiff.



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5. The learned counsel for the petitioners states that when the properties are the self acquired property of Muthukrishnan, the Class-II legal heirs viz., the proposed parties, who claimed under the mother of the deceased Muthukrishnan are not entitled to be impleaded. I am unable to countenance the said submission. On the death of Muthukrishnan, being one of the Class-I legal heirs and mother, the plaintiff became entitled to a 1/4th share in the estate of Muthukrishnan and doesn't matter, if the properties were self acquired properties of the said Muthukrishnan or not. When a definite right had accrued to the mother, the plaintiff in the present suit, on her demise, naturally the said right of the mother which was inherited as Class-I legal heirs of the deceased son, would go to her legal heirs who survive her demise. In such view of the matter, the proposed parties were certainly entitled to claim their share from the share of the deceased sole plaintiff.

6. In fact, the learned counsel for the revision petitioners would also fairly bring to my attention that I had an occasion to deal with similar issue that cropped up in a Second Appeal, where I had held that merely because one of the brothers of the husband of the plaintiff had died subsequently, it would not take away the right already vested with the brother, i.e., the husband of the 1st plaintiff. In the Second Appeal



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19. In fine, the Second Appeal is allowed in part and judgement of the First Appellate Court, dated 13.07.2017 in A.S. No.108 of 2016 on the file VII Additional Judge, City Civil Court, Chennai, is set aside and consequently, the plaintiffs are declared to be the legal heirs of Late Munusamy, along with the 2nd defendant, M.Sivapragasam, the plaintiffs being jointly entitled to one half share and the 2nd defendant, being entitled to other half. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

7. I do not find any impropriety or perversity in the findings rendered by the trial Court allowing the aforesaid applications viz., I.A. Nos.4, 5 and 6 of 2024 in O.S. No.207 of 2020.

8. In view of the above, I do not find any necessity to interfere with the orders of the trial Court passed in I.A. Nos.4, 5 and 6 of 2024 in O.S. No.207 of 2020.

9. With the above observations, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.



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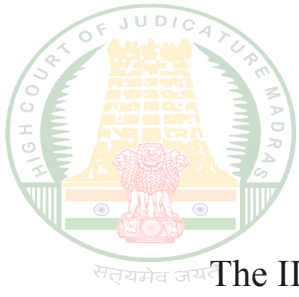
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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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P.B. BALAJI, J.

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To

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The III Additional District & Sessions Judge,
Tiruvallur at Poonamallee

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PRE-DELIVERY ORDER
IN
C.R.P. (PD) Nos.2959, 2960
and 2964 of 2025
and
C.M.P. No.16699 of 2025

29.08.2025