



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 17.04.2025**

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**Coram:**  
**The Honourable Mr.Justice C.SARAVANAN**

**Application No.8616 of 2019**  
**in C.S.No.955 of 2017**

Mrs.Indira Devaraj Bhat

...Applicant

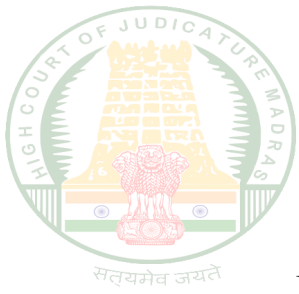
Versus

1.Dr.Vasantha Rajamanickam  
2.Mahendra Kumar Singhvi  
3.G.V.Lakshmi Baskaran  
4.Sandeep Kumar  
5.N.Baaskaran  
6.S.Jeeva  
7.Siva Sankar  
8.Smt.Mahalakshmi  
9.S.Ramesh Kumar  
10.V.Muruganandam  
11.Mr.M.Sundaram

...Respondents

**Prayer:**

Application filed under Order XIV Rule 8 of O.S. Rules r/w. Order I Rule 10 of C.P.C praying to implead the proposed parties (1) Mr.V.Muruganandam S/o. Veerasu, No.2/3, Vallar Street, Kannugudi West, Orathanadu Taluk, Tanjore District – 614 901 and (2) Mr.M.Sundaram S/o. Muthalagu, No.23, Amaravathi Street, Ayyappan Nagar, K.K.Nagar, Trichy – 620 021 as defendants 10 and 11 in the C.S.No.955 of 2017.



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|--------------------|---|--------------------------------------|
| For Applicants     | : | Mr.M.Jawahar                         |
| For Respondent – 1 | : | Mr.E.Abudul Wajith<br>for Ms.R.Ramya |
| For Respondent – 3 | : | Mr.M.Nandhakumar                     |
| For Respondent – 5 | : | Mr.A.Balamurugan                     |

### **ORDER**

This Application has been filed by the Applicant/1<sup>st</sup> Defendant seeking to implead the proposed Respondents 10 & 11 as Defendants 10 and 11 in C.S.No.955 of 2017.

2. The Applicant/1<sup>st</sup> Defendant had filed O.S.No.4610 of 2013 before the City Civil Court, Chennai for the following reliefs:

(i) To declare the Power of Attorney executed in favour of the 1<sup>st</sup> defendant (by an impersonated person) on 25.06.2010 and registered as (Book IV) Document No.31/2010 before the Sub-Registrar's Office, Pappanadu, Thanjavur District and all the consequential encumbrances (the Agreement for Sale dated 18.02.2011 between the 1<sup>st</sup> and 2<sup>nd</sup> Defendants registered as Document No.369/2011 before the Sub-Registrar's Office, T.Nagar and the 8 Sale Deeds allegedly executed by the 1<sup>st</sup> and 2<sup>nd</sup> Defendants jointly in favour of Defendants 3 to 10 on 23.06.2011 bearing Document Nos.1447 to 1454 of 2011 in the Office of the Sub-Registrar, T.Nagar with respect to the plaint Schedule Property pursuant to the above said Power of Attorney dated 25.06.2010 as null and void.



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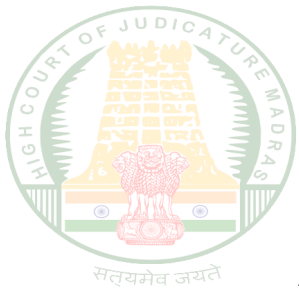
(b) For a consequential permanent injunction restraining the defendants their men, agents, servants or anyone claiming under them from in any manner interfering with the possession of the plaintiff or from dealing with the suit property in any manner and for costs.

3. The Respondents 2 to 9 as well as the proposed Respondents 10 & 11 herein are Defendants in the aforesaid O.S.No.4610 of 2013. The learned V Assistant Judge, City Civil Court, Chennai vide order dated 03.12.2021, dismissed O.S.No.4610 of 2013 for default as there was no representation on behalf of the Applicant/1<sup>st</sup> Defendant (Plaintiff therein).

4. That apart, the Applicant/1<sup>st</sup> Defendant had filed a writ petition in W.P.No.32015 of 2016 before this Court seeking to direct the District Registrar to cancel the Power of Attorney given by her and the Sale Deeds executed in favour of the Respondents 2 to 9/Defendants 2 to 9. The said writ petition was dismissed as abated by this Court vide order dated 06.09.2022. Operative portion of the order dated 06.09.2022 reads as under:

*“3. The learned counsel appearing for the petitioner submitted that during the pendency of this writ petition, the petitioner passed away. Hence, this Court may grant liberty to the petitioner's legal heirs to make appropriate application after disposal of the suit in O.S.No.4610 of 2015 pending before the V Assistant City Civil Court, Chennai.*

*4. In view of the above, this writ petition is dismissed as abated. Liberty is granted to the legal heirs of the petitioner to work out the remedy in the manner known to law after disposal of the suit in O.S.No.4610 of 2015. No costs.”*



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5. In the present case, the Applicant/1<sup>st</sup> Defendant had passed away but the learned counsel for the Applicant/1<sup>st</sup> Defendant is unable to furnish the details of the legal representatives of the deceased Applicant/1<sup>st</sup> Defendant. Hence, this Application is dismissed. However, liberty is granted to the legal representatives of the deceased Applicant/1<sup>st</sup> Defendant to work out their remedy if they are brought on record as legal representatives of the deceased Applicant/1<sup>st</sup> Defendant.

**17.04.2025**

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Index : Yes/No

Speaking Order (or) Non Speaking Order



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**C.SARAVANAN, J.**

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