



C.R.P.(MD)No.226 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.226 of 2020

and

C.M.P.(MD)No.1384 of 2020

R.Thangaraj

...Petitioner

Vs.

1.R.Balagurusamy
2.Palanichamy
3.R.P.M.Maniraj
4.Sankara Subbulakshmi
5.Shanmugavel

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 06.11.2019 in I.A.No.268 of 2018 in A.S.No.45 of 2016, on the file of the Sub Court, Thoothukudi.



C.R.P.(MD)No.226 of 2020

WEB COPY

For Petitioner : Ms.S.Jaya Vasantha
for M/s.G.Prabhu Rajadurai
Respondent No.1 : Died
For Respondent No.1 : Mr.D.Srinivasa Ragavan
For Respondents 2 to 5 : No appearance

ORDER

This petition has been filed seeking to quash the order dated 06.11.2019 in I.A.No.268 of 2018 in A.S.No.45 of 2016, on the file of the Sub Court, Thoothukudi.

2.The first respondent is the brother of the petitioner. He instituted a suit before the Additional District Munsif Court, Thoothukudi in O.S.No.423 of 2010 and the said suit came to be dismissed on 02.04.2016, as against which, the respondent preferred an appeal in A.S.No.45 of 2016, on the file of the Sub Judge, Thoothukudi. Pending the appeal, the petitioner wanted to implead himself as a party and thereby, he filed I.A.No.268 of 2018. The said I.A. was dismissed on 06.11.2019. Challenging the same, this Civil Revision Petition has been filed.



C.R.P.(MD)No.226 of 2020

WEB COPY

3. During the course of the argument, learned Counsel for the petitioner submitted that the first respondent / plaintiff is dead and there is no one available to contest the case before the lower Court. Hence, he prays this Court to grant liberty to the petitioner to contest the case before the Court below.

4. Learned Counsel for the petitioner further submits that due to the death of the first respondent and since the first respondent has no legal heirs, this Court may permit the petitioner to file a substitute petition before the lower appellate Court to implead himself as legal heir of the first respondent by placing necessary documents before the lower appellate Court.

5. In view of the fact that when the first respondent / plaintiff was available at the relevant point, the petitioner's application was rejected, now, the first respondent is no more and the petitioner claims that the first respondent has no legal heirs and the petitioner is only a class – II legal heir of the first respondent. Hence, liberty is granted to the petitioner to file a substitute petition before the lower appellate Court in the capacity of the legal heir of the first respondent, by producing necessary documents.



C.R.P.(MD)No.226 of 2020

WEB COPY

6. Accordingly, this Civil Revision Petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

05.06.2025

Internet: Yes/No

Index: Yes/No

MR



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C.R.P.(MD)No.226 of 2020

To

- 1.The Sub Court,
Thoothukudi.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.226 of 2020

M.DHANDAPANI, J.

MR

C.R.P.(MD)No.226 of 2020

05.06.2025