



C.R.P.(PD)(MD).No.868 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.868 of 2021
and
C.M.P.(MD)No.4706 of 2021

The South Indian Bank Ltd.,
a Scheduled Bank,
(Registered Under the Companies Act 1956
and Governed by the Provisions of
the Banking Regulation Act 1949),
Having its Registered Pffoce at Trichur,
Kerala State and amongst others a Branch
at No1, Sterling Road, Nungambakkam,
Chennai-600 34, Represented by its Manager.

... Petitioner

Vs.

1.A.Anbalagan

R.Alagappan (died)

2.A.Meenakshi (died)

3.Anbu Selvi

4.Anbalagi

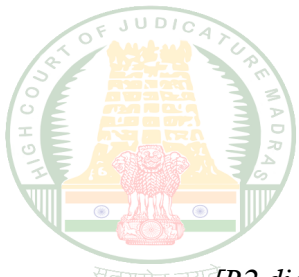
5.Thiruselvi

6.Vazuki

7.R.Alagappan

... Respondents

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सत्यमेव जयते
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[R2 died and R1 & R6, who are already on record,
are recorded as Lrs of the deceased R2]

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 21.07.2021 made in I.A.No.243 of 2016 in O.S.No.47 of 2007 passed by the Principal Sub Court at Pudukkottai.

For Petitioner : Mr.L.S.M.Mohamed Kader Sahib

For Respondents : No Appearance

ORDER

This Civil Revision Petition is filed challenging the order dated 21.07.2021 made in I.A.No.243 of 2016 by the Principal Sub Court, Pudukkottai.

2.The petitioner Bank is the plaintiff in the suit in O.S.No.47 of 2007. The first defendant is the son of the second and third defendants. The first defendant availed loan from the plaintiff bank and the second and third defendants stood as a guarantor for the said loan by mortgaging the property owned by the second and third defendants. During the pendency of the suit, the second and third defendants died. Thereafter, the petitioner filed an



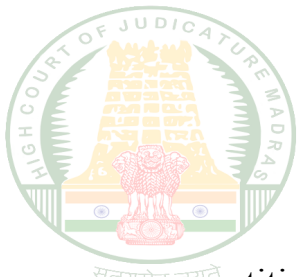
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application under Section 5 of the Limitation Act to condone the delay of 1102 days in filing petition to implead the legal heirs of the second and third defendants. The said application was dismissed. Challenging the same, the Civil Revision Petition is filed.

3.The learned counsel for the petitioner would submit that admittedly, the respondents 4 to 7 are the daughters of second and third defendants. The property, which was mortgaged with the petitioner bank still stands in the name of the second and third defendants. Hence, if the suit is decreed in favour of the bank, necessarily they have to file an execution proceedings to proceed with the property. The respondents 3 to 7 being the legal heirs of second and third defendants, may object for the same as they have rights in their parents' property. Therefore, they were sought to be impleaded as necessary parties in the suit. However, the trial Court without considering all these aspects, has dismissed the petition. Accordingly, he prayed for appropriate orders.

4.Though the name of the respondents are printed in the cause list, none appeared on their behalf. However, considering the pendency of the



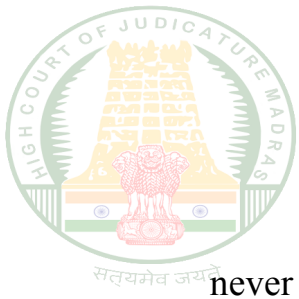
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petition, this Court is inclined to dispose of this petition based on the available records.

5.The facts in the present case are not in dispute. Admittedly, the first respondent is the son of the second and third defendants. The second and third defendants stood as a guarantor for the loan availed by the first defendant from the plaintiff bank. Initially, the suit was filed as against the defendants 1 to 3 alone. Subsequently, the second and third defendants died. Therefore, the female legal heirs of the second and third defendants were sought to be impleaded in the suit. The trial Court arrived at a conclusion that since the female legal heirs are married, they are not the necessary party to the suit.

6.As concluded by the trial Court, unless the loan amount is appropriated with the suit property, which was mortgaged by the parents of the respondents 3 to 7 and unless the suit is decreed to recover the amount from the first defendant and the same could not be recovered, the female legal heirs of the defendants 2 and 3 are not the necessary party to the suit. The respondents 3 to 7 have not borrowed any amount from the bank and they



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never stood as a guarantor for the loan availed from the bank. If the private respondents claims any right over the suit property, then they may be the necessary party. Until such time, they are not the necessary party. The trial Court has rightly appreciated the said facts and dismissed the application. Hence, the order of the trial Court need not be interfered.

7. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Principal Sub Court, Pudukkottai.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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