



C.R.P.(PD)(MD) No.2378 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	03.01.2025
Pronounced on	23.01.2025

CORAM

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.R.P.(MD) No. 2378 of 2024 and
CMP(MD).No.13481 of 2024

1.D.Solai
2.D.Pandiyan
3.D.Karupaiah

... Petitioners / defendants

Vs.

Karu. Adaikan (died)
Chellam

. 1st Respondent / plaintiff

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed by the Principal Sub Court, Pudukkottai in I.A.No.368 of 2022 in O.S.No.385 of 2013, dated 25.12.2022.

For Petitioners : Mr.A.Arunprasad

For respondent : No appearance



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ORDER

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This Civil Revision Petition is preferred against the fair and decretal order, dated 25.12.2022 made in I.A.No.368 of 2022 in O.S.No. 385 of 2013 on the file of the Principal Sub Court, Pudukkottai.

2. The revision petitioners are the defendants in the above suit, whereas the deceased plaintiff filed the above suit in O.S.No.385 of 2023 on the file of Principal Sub Court, Pudukkottai for partition. Pending suit, the proposed party filed an application to implead herself as plaintiff in the above suit as the legal heirs of the deceased plaintiff. In the said petition it was averred that the said plaintiff viz., Adaikan died on 25.07.2022 and hence, the proposed respondent being the wife of the deceased Adaikan filed an application to implead herself as plaintiff in the above suit. Since they had no issues and she being the only legal heir of the deceased Adaikan. The said application was resisted by the revision petitioners / defendants. In the counter affidavit filed by the defendants it is stated that no valid marriage existed between the proposed party and the Late plaintiff Adaikan and therefore, the petition is liable to be dismissed. However, the trial Court allowed the said application. Against which the revision petitioners / defendants have preferred the present Civil Revision



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Petition.

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3. The learned counsel appearing for the revision petitioners / defendants would submit that no document was filed on the side of the proposed party that she is the legal heir of the deceased plaintiff and the documents filed on the side of the proposed party for the purpose of identification has no evidentiary value and therefore, the same cannot be relied upon to prove that she is the legal heir of the deceased plaintiff. However, the trial Court without considering the facts and circumstances erroneously allowed the said application requires interference by this Court.

4. Heard the learned counsel for the petitioners and perused the materials available on record. In spite of the notice issued to the respondent no representation made.

5. The present revision is preferred against the order passed by the trial Court permitting the proposed party viz., the 2nd respondent to implead herself in the above suit as plaintiff since the original plaintiff died on 25.07.2022 pending suit. According to the 2nd respondent



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proposed party, she is the wife of the deceased plaintiff Adaikan and that they had no issues and therefore, she is the only legal heir of the deceased plaintiff Adaikan. But, the said petition was opposed on the side of the respondent stating that there is no documentary evidence to establish that the proposed party is the legal heir of the deceased plaintiff Adaikan and that the documents marked as Exs.P1 and P2 are only documents for identification and the same cannot be relied upon for establishing the fact that the proposed party / 2nd respondent is the legal heir of the deceased plaintiff. On perusal of the above documents, the said documents marked as Exs.P1 and P2 in the above application are nothing but the Voters Identity Card and Aadhar Card of the proposed 2nd respondent, in which it is mentioned that she is the wife of the deceased Adaikan. Therefore, as pointed out by the trial Court, the revision petitioners / defendants have not produced any documents to establish that the 2nd respondent is not the wife of the deceased plaintiff Adaikan. Therefore, the trial Court has rightly allowed the said impleading petition, in which, no infirmity or error is found in the order passed by the trial Court. However, the revision petitioners are at liberty to rebut the same at the time of trial.

6. With the above observation, this Civil Revision Petition is



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dismissed. No costs. Consequently, the connected Miscellaneous Petition
is closed.

23.01.2025

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order/Non-Speaking Order

trp

Copy To:

The Principal Sub Court, Pudukkottai.



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K.GOVINDARAJAN THILAKAVADI, J.

trp

Pre-Delivery Order made
in
C.R.P.(MD) No. 2378 of 2024 and
CMP(MD).No.13481 of 2024

23.01.2025