



C.R.P.(MD)No.1504 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1504 of 2022

and

C.M.P.(MD)No.6315 of 2022

Senthil (Original name Senthilkumar)

...Petitioner

Vs.

Karmegam (Died)
Power Agent viz Krishnan

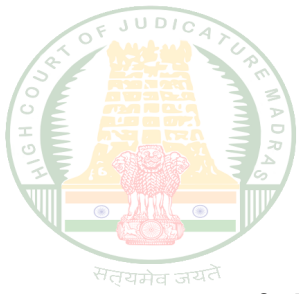
...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the relevant records against the order and decreetal order, dated 03.06.2022 passed in I.A.No.5 of 2021 in A.S.No.72 of 2019, on the file of the Sub-Court, Manamadurai and quash the same.

For Petitioner : Mr.P.Ponraj

ORDER

This petition has been filed seeking to set aside the impugned order and decreetal order, dated 03.06.2022 passed in I.A.No.5 of 2021 in A.S.No.72 of 2019 by the learned Sub-Judge, Manamadurai.



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2. The learned counsel for the petitioner would submit that the petitioner is the proposed fifth respondent in A.S.No.72 of 2019 and he was impleaded as fifth respondent in I.A.No.5 of 2021. Challenging the impleadment of the petitioner, the present Civil Revision Petition is filed.

3. The learned counsel for the petitioner would submit that admittedly one Krishnan power agent appointed one Karmegam as power of attorney to conduct the case on behalf of him in O.S.No.166 of 2010, on the file of the District Munsif Court, Manamadurai for declaration and permanent injunction as against the petitioner's father Rajamanikam and the said suit was dismissed on 25.11.2015. As against which, Karmegam through the power agent Krishnan filed A.S.No.72 of 2019 and the same was dismissed for default on 23.10.2019. As against which, the power agent Krishnan has filed I.A.No.3 of 2020 for restoration of the appeal. During the pendency of the restoration petition, the petitioner's father Rajamani died on 12.06.2021, thereby, the principal Karmegam through power agent Krishnan has filed I.A.No.5 of 2021 to implead the petitioner and other legal heirs as 2 to 10 respondents in the above said appeal and the same was allowed in his favour on 03.06.2025. Challenging the same, the present Civil Revision Petition is filed.



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4. The learned counsel appearing for the petitioner would submit that the present civil revision petition is filed solely on the ground that at the time of filing I.A.No.5 of 2021, the principal is alive and subsequently, the principal died and after his death, I.A.No.5 of 2021 was allowed for impleading the petitioner and other respondents as legal heir of Rajamani, is not sustainable one and prays for allowing the Civil Revision Petition.

5. Though notice was ordered and effected paper publication, there is no representation for the respondent.

6. The facts of the present case are not in dispute. Initially, the principal on behalf of the power agent filed a suit for declaration and permanent injunction and the same was dismissed. Subsequently, power agent has filed an appeal before the lower appellate Court in A.S.No.72 of 2019 and the same was dismissed for default, thereby, the power agent filed I.A.No.3 of 2020 for restoration of the appeal and the same was pending before the trial Court. Pending I.A.No.3 of 2020 for restoration, the respondent/defendant died, who is the petitioner's father, thereby, the principal himself filed I.A.No.5 of 2021 to implead the legal heirs of the respondent/defendant as 2 to 10 and the same was



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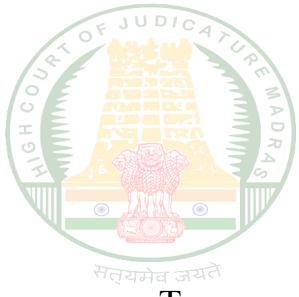
allowed by brought the petitioner and other legal heirs as respondents in the said appeal. Admittedly, the petitioner's father died and it is necessary for the petitioner and other legal heirs to implead themselves as respondents in the Appeal suit and behind his back, no order can be passed. Already the power agent is represented and he filed I.A.No.3 of 2020 before the trial Court for restoration of the appeal and the same is pending. Similarly, the principal filed I.A.No.5 of 2021 to implead the legal heirs of the defendant and in that there is no prejudice caused to the petitioner. Hence, the order of the lower court for allowing the I.A.No.5 of 2021 for impleading the legal heirs of the respondent/defendant including the petitioner is legally tenable which need not be interfered with. Accordingly, the civil revision petition is dismissed no costs. Consequently, connected miscellaneous petition is closed.

15.07.2025

Internet: Yes/No

Index: Yes/No

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



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M.DHANDAPANI, J.

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