



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2232 of 2025

and

C.M.P.(MD).No.13320 of 2025

Rengaiah Servai (Died)

Kamala Ammal (Died)

Ilavarasan

...Petitioner

Vs.

Paramasivam Achari (Died)

1.Saraswathi

2.Baskaran

3.Ramamoorthy

4.Senthilkumar

5.Palanikumar

Gopalakrishnan(Died)

6.Thiyagarajan

7.Dhanalakshmi

8.Banumathi



9.Krishnaveni

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...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to pass an order setting aside the fair and executable order dated 15/03/2023 passed in the application in I.A.No. 338 of 2022 in I.A. No. 788 of 2012 in I.A.No. 1055 of 1978 in O.S. No. 227 of 1978 on the file of the District Munsif Court, Ramanathapuram and allow the same.

For Petitioner : Mr.J.Barathan

ORDER

This petition has been filed to set aside the fair and executable order dated 15.03.2023 passed in the application in I.A.No. 338 of 2022 in I.A.No. 788 of 2012 in I.A.No.1055 of 1978 in O.S. No. 227 of 1978 on the file of the District Munsif Court, Ramanathapuram.

2. The landlord filed a suit in O.S.No.227 of 1978 before the learned District Munsif, Ramanathapuram, seeking eviction of the tenant, Rengiah Servai, after removal of the superstructure put up by him. The said tenant filed an application in I.A.No.1055 of 1978 under Section 9 of the Tamil Nadu City Tenants Protection Act seeking to purchase the vacant site. He also filed a separate suit in O.S.No.105 of 1978 for permanent injunction to restrain the landlord from interfering with his possession. On 22.11.1983, the trial Court held that the tenant was entitled to purchase the property in terms of the



Commissioner's report. The said finding was confirmed by the appellate Court and ultimately upheld by the Hon'ble Supreme Court. Pursuant thereto,

Rengaiah Servai filed I.A.No.788 of 2012 for fixation of value of the property.

During the pendency of the said proceedings, he died, leaving behind a Will in favour of his wife, Kamala Ammal. Thereafter, Kamala Ammal also died, allegedly leaving a Will in favour of the present petitioner. Since the petitioner was not a party to I.A.No.788 of 2012, he filed I.A.No.338 of 2022 to implead himself to continue the proceedings. The said application was dismissed by the trial Court on 15.03.2023. Aggrieved by the same, the present revision petition has been filed.

3. The learned counsel appearing for the petitioner would submit that though the petitioner is not a legal heir of Kamala Ammal, he is entitled to step into her shoes based on the Will executed in his favour. It is his contention that the trial Court erred in dismissing the impleading application on a hyper-technical ground, without considering the petitioner's right flowing under the Will.

4. This Court carefully perused the entire records. It is evident that the petitioner does not claim to be a natural legal heir of either Rengaiah Servai or Kamala Ammal. His claim is solely based on an alleged Will executed by Kamala Ammal. The said Will has not been probated or proved before any



competent forum. The petitioner has not disclosed whether Rengaiyah Servai and Kamala Ammal left behind any surviving legal heirs. No legal heirship certificate or supporting material was placed before the trial Court. In such circumstances, without establishing the genuineness of the Will or disclosing the existence of other legal heirs, the petitioner cannot be permitted to implead himself in a long pending proceeding. The trial Court has rightly dismissed the impleading application, and such an order does not suffer from any legal infirmity warranting interference under Article 227 of the Constitution of India.

5. In view of the above discussion, this Court finds no merit in the present Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.08.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The District Munsif Court, Ramanathapuram.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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