



CRP(MD). No.2003 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 22/07/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.2003 of 2022
and CMP(MD) No.9192 of 2022**

Vidhya Machado

... Petitioner

v.

1. Jeyakodi

2. Stanis Machado (Died),
Jayanthi Machado,

3. Jacqueline Machado

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 15-07-2022 passed in I.A.No. 02 of 2020 in R.C.A.No. 4 of 2018 on the file of the Sub-Court, Thoothukudi.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.R.Balakrishnan for R2&R3

No appearance for R1



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ORDER

The Civil Revision Petition is filed against fair and decreetal order dated 15-07-2022 passed in I.A.No. 02 of 2020 in R.C.A.No. 4 of 2018 on the file of the Sub-Court, Thoothukudi.

2. The petitioner's father filed RCOP proceedings for eviction of the first respondent/defendant on the ground that owners occupation under Section 10(3)(A)(iii) of the Tamil Nadu (Lease and Rent Control) Act and the same was allowed vide order dated 06.04.2018 against which, the first respondent preferred an appeal before the appellate authority in RCA No.4/2018. Pending appeal, the petitioner's father died and the first respondent/appellant filed an application under Order XXII Rule 3 of the Code of Civil Procedure to implead the legal heirs of the deceased and the same was objected to by the petitioner on the ground that during the life time of the petitioner's father, a settlement came to be effected vide settlement deed dated 29.03.2000. Despite the same the trial Court has allowed the petition to implead all the legal heirs.



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Challenging the same, the petitioner is before this Court with this petition.

3. The learned counsel for the petitioner would submit that the petitioner and the respondents 2 and 3 are the legal heirs of their deceased father Stanis Machado. The other legal heirs/respondents 2 and 3 have serious objections for impleading them as legal heir in the appeal proceedings on the ground that during the lifetime of their father, the property in question was settled in favour of the petitioner herein and hence, they are not necessary to be impleaded in the appeal proceedings. Therefore, he prays for appropriate direction.

4. The learned counsel for the respondents 2 and 3 would submit that they have serious objections with regard to impleading them in the RCA proceedings.

5. Though notice was served on the first respondent and name is printed in the cause list, none appeared for the first respondent.



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6. I have considered the submissions and perused the materials available on record.

7. From the records, it could be seen that the petitioner and the respondents 2 and 3 are the legal heirs of Stanis Machado. The property in question was settled while the petitioner's father was alive in favour of the petitioner herein vide settlement dated 29.03.2000. In the RCOP proceedings, an order came to be passed against the tenant and the tenant has filed an appeal against the said order of eviction and during the pendency of the appeal, the original landlord died. In order to implead the legal heirs, the tenant/appellant has filed an application. In the said application, the respondents 2 and 3 being the other legal heirs filed a counter stating that they are not proper and necessary parties and their names may not be impleaded. Even then, the trial Court has impleaded the respondents 2 and 3 including the petitioner herein. When the original landlord has settled the property in favour of the petitioner herein and other legal heirs namely 2nd and 3rd respondents also not disputed settlement deed thereby, the petitioner has become the owner of the property, the other legal heirs are not necessary to be impleaded.



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Accordingly, the Civil Revision Petition is allowed and the petitioner alone be impleaded as legal heir of the deceased and the respondents 2 and 3 shall not be made as array of parties and their name shall accordingly be deleted. No costs. Consequently connected Miscellaneous Petition is closed.

22.07.2025

NCC : Yes/No
Index : Yes/No

RR

TO

1.The Sub-Court, Thoothukudi.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) (NPD) No.2003 of 2022**

Date : 22/07/2025