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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CMP No. 7981 of 2024 in
SA.No.1322 of 2010

R.K.Senthil Kumar
S/o.Late R.Krishanmoorthy, No.7, Eda Street,
Thiruthuraipoondi Town and Taluk, Thiruvarur
District.

..Petitioner

Vs

1. R.KRISHNAMOORTHY(DIED),
   1.A.Umamaheswari
   W/o.Annadurai, Eda Street, Aattur Road,
   Thiruthuraipoondi Town and Taluk, Thiruvarur
   District.
2. Rajeswari
   W/o.Late R.Krishnamoorthy, 10A, Old Bus
   stand, Annai Road, Thiruthuraipoondi Town
   and Taluk, Thiruvarur District.

3. R.K.Ayyappan
   S/o.Late R.Krishnamoorthy, 10A, Old Bus
   Stand, Anna Road, Thiruthuraipoondi Town
   and Taluk, Thiruvarur District.

4. Arulmighu Bawasushadeeswarar
   Samy Koil Devasthanam, Through it Executive
   Officer, Having its offie at Sannathy Street,
   Thiruthuraipoondi Town and Taluk, Thiruvarur
   District.

..Respondent(s)

PRAYER: This Civil Miscellaneous Petition is filed under Order 1 Rule 10(2) of CPC to implead the petitioner herein as the appellant No.5 in the above Second Appeal in S.A.No.1322 of 2010 pending before this Hon'ble Court and thus render justice.

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For Petitioner: Mr.S.Senthil
For Respondent(s): Ms.V. Srimathi for R1 to R3
Mr. R. Karthikeyan for R4

ORDER

This Civil Miscellaneous Petition has been filed by the petitioner to implead the petitioner as 5th appellant in the Second Appeal.

2. Despite several opportunities given to the respondents, no counter has been filed.

3. According to the petitioner, the suit was filed by the 4th respondent/Temple seeking for mandatory injunction and permanent injunction against the father of the petitioner. During the pendency of the appeal, his father died on 23.08.2014. The father of the Petitioner executed the Will bequeathing a portion of the property in favour of the petitioner on 05.08.2014. Thereafter, he has been in possession and enjoyment of the property and he came to know about the pendency of the appeal.

4. The respondents 1 to 3 have filed the petition to bring them on record in the place of his father in the main appeal excluding the petitioner. The petitioner is one of the sons and he is also one of the legal heirs of his father. Therefore, he filed this petition .

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5. This court also perused the record.

6. The petitioner has filed a copy of the legal heir certificate of the deceased appellant namely R.Krishnamoorthy.

7. As per the legal heir certificate, this petitioner is also one of the sons and legal heir of the deceased R.Krishnamoorthy. However, while filing petition by the other legal heirs in CMP.No.14488 of 2016, his name has not been included in the petition. Since the petitioner is also one of the legal heirs of the deceased R.Krishnamoorthy, it is appropriate to allow this petition.

8. Accordingly, this Civil Miscellaneous Petition is allowed.

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P.DHANABAL, J.

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