



CRP No. 1721 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 1721 of 2025
and CMP No.9942 of 2025**

1. Pandiammal

W/o. Late Kaliannagounder, D.No.86,
Sweeper Colony, Anthiyur A Village,
Anthiyur Taluk, Erode District.

Petitioner(s)

Vs

1. Devaraj

S/o. Kandasamy Gounder, D.No.89,
Brammadesam, Brammadesam Village, Anthiyur
Taluk, Erode District.

2.B.K. Palanisamy

S/o. Kandasamy Gounder, Brammadesam,
Brammadesam Village, Anthiyur Taluk, Erode
District.

3.P. Ayyasamy

S/o. Paramasivam, D.No.48/401, Kamarajar
Salai, Anthiyur Village, Anthiyur Taluk, Erode
District.

4.Tamil Government Rep. By

The District Collector, District Collector Office,
Perundurai Road, Sampath Nagar, Erode.

5.The District Revenue Officer

District Collector Office, Perundurai Road,
Sampath Nagar, Erode.



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6.The Revenue Divisional Officer
Office of Revenue Divisional Officer,
Gobichettipalayam, Erode District.

7.The Revenue Thasildar
Thasildar Office, Anthiyur Taluk, Erode District.

8.The Village Administrative Officer
Village Administrative office, Anthiyur A
Village, Anthiyur Taluk, Erode District.

Respondent(s)

PRAYER:- Petition filed under Article 227 of the Constitution of India to set aside the order dated 31.01.2025 made in IA No.3 of 2024 in OS No.22 of 2024 on the file of District Munsif, Anthiyur, Erode District.

For Petitioner(s): MR.S.Senthilnathan

For Respondent(s): Mr.R.Prabakar For Rr1 To 3
Mr.V.Ramesh Ga For R4 To R8

ORDER

Challenging the impugned order passed in I.A.No.3 of 2024 in O.S.No.22 of 2024, the plaintiff has preferred the above revision.

2. Before the trial court, the respondents have filed an application in I.A.No.3 of 2024 to implead them as parties to the suit stating that they are the legal heirs of the



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deceased Kalianna Gounder (a) Kali Gounder through the Will said to be executed on 23.02.2004 and the said application was objected by the plaintiff by filing an objection.

On hearing both sides, the trial Court allowed the application holding that since the relief sought for in the suit requires the presence of the parties. Aggrieved over the same, the plaintiff has filed the present revision.

3. Learned counsel for the revision petitioner submits that the plaintiff is the only wife - Class-I legal heir of the deceased Kalianna Gounder (a) Kali Gounder, but the respondents 1 to 3 are the sister's children of one Valliammal, who was the first wife of the deceased Kalianna Gounder (a) Kali Gounder and after the demise of Valliammal in the year 2006, the deceased Kalianna Gounder (a) Kali Gounder married the plaintiff as a second wife and the marriage was in subsistence till the demise of Kalianna Gounder (a) Kali Gounder and therefore, after the demise of Kalianna Gounder (a) Kali Gounder, revision petitioner/plaintiff is the only legal heir and not the proposed parties, but the trial Court has erroneously included the respondents. If at all the respondents are having any right based on the Will, they have to file a separate suit and not as a party in the suit filed by the plaintiff.

4. Learned counsel for the respondents submits that the revision



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petitioner/plaintiff claims that she is the only legalheir of the deceased Kalianna Gounder (a) Kali Gounder, but, as per the Will, executed by the deceased Kalianna Gounder (a) Kali Gounder, the respondents are the legal heirs and they are entitled to prove their claim in the suit, where the legalheirship is under dispute.

5. Heard the submissions of the learned counsel on either side.

6. Admittedly, the suit was filed by the revision petitioner/plaintiff praying to declare her as the legalheir of the deceased Kalianna Gounder (a) Kali Gounder, but, now the proposed parties claim that they are the only legalheirs through the Will executed by the deceased dated 23.02.2004 and the Will is also marked as Ex.P.1 during enquiry in the application. However, the Will is subject to proof and relevancy and would not confer any right to the proposed parties.

7. The trial Judge has rightly held that merely impleading the respondents would not amount to declare their right, but, they are necessary parties to the proceedings. The dispute between the parties is only with regard to the declaration of the legalheirs and if the parties are not impleaded it will lead to multiplicity of



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proceedings and the proposed parties are entitled to raise their objection in the suit.

However, the Will is subject to proof and relevancy and they are entitled to the benefits and they are bound to prove the same before the trial Court in the manner known to law.

8. With the above observation, the civil revision petition is disposed of. The trial Court is directed to dispose of the suit in O.S.No.22 of 2024 on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

08.04.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The District Munsif Court,
Anthiyur, Erode District



WEB COPY



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T.V.THAMILSELVI.,J

sr

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