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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 3593 of 2025
and
CMP No. 19385 of 2025
Case QR
CNR:{HCMA011690502025}

K. Srinivasan

..Petitioner

Vs

K. Ravishankar

Bhakkiyam (Deceased)

..Respondent

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the impugned order and decree dated 21.06.2025 passed in I.A.No.7 of 2025 in O.S.No.2458 of 2021 on the file of XIV Assistant City Civil Court at Chennai.

For Petitioner: Mr. S. Namasivayam

For Respondent: Mr. T.Saminathan for M/s.P.B.Ramanujam Associates

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decretal order dated 21.06.2025 passed

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in I.A.No.7 of 2025 in O.S.No.2458 of 2021 on the file of XIV Assistant City Civil Court at Chennai wherein the application filed by the petitioner/plaintiff under Order VI Rule 17 of Civil Procedure Code to amend the plaint by incorporating the word "deceased" next to the name of the 1st defendant, came to be dismissed by the Court below.

2. Heard the learned counsel appearing on either side, perused the materials available on record and carefully gone through the order passed by the Court below.

3. The petitioner is the plaintiff who filed the suit in O.S.No.2458 of 2021 seeking for declaration to declare the cancellation deed as null and void and the subsequent settlement deeds that were executed in favour of the 2nd defendant by the 1st respondent as null and void and for permanent injunction.

4. Pending the suit, the 1st defendant who is the mother died. Therefore, the application was filed by the petitioner to incorporate the word "deceased" next to the name of the 1st defendant.

5. The Court below dismissed the application on the ground that it is not enough to incorporate the word "deceased" next to the name of the 1st defendant and the legal heirs of the deceased/1st defendant must be added as parties.

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Aggrieved by the said order, the present revision has been filed before this Court.

6. The main apprehension that was raised on the side of the petitioner is that if the other legal heirs of the deceased/1st defendant are impleaded, they should not come up with a new story since the 1st defendant has already deposed before the Court and has also been cross-examined. It is further submitted that the other legal heirs of the deceased/1st defendant are neither necessary nor proper parties.

7. This Court is able to understand the apprehension of the petitioner/plaintiff. However, this Court must also keep in mind the fact that a ground should not be taken in future to the effect that the decree passed in favour of the plaintiff as against the deceased/1st defendant is bad in law. Therefore, in the interest of the plaintiff, the other legal heirs of the deceased/1st defendant can be included as parties to the proceedings. It is also made clear that the impleaded parties will toe the line of the deceased/1st defendant who has already taken a stand in the suit and also deposed before the Court below. They should not be allowed to come up with a different story.

8. In result, the order passed by the Court below is sustained and liberty is granted to the petitioner/plaintiff to file a fresh application to implead the

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legal heirs of the deceased/1st defendant and the said application shall be allowed. The Court below will keep in mind the above observations made insofar as the participation of the impleaded legal heirs in the pending suit is concerned.

9. In result, this Civil Revision Petition is disposed of in the above terms. The petitioner/plaintiff shall file necessary application within a period of **two (2)** weeks from the date of receipt of a copy of this order. The Court below is directed to dispose of the suit in O.S.No.2458 of 2021 within a period of four (4) months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ksk

To
XIV Assistant City Civil Court at Chennai

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