WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.6427 of 2026
and
C.M.P.No.27634 of 2026

Case QR

CNR: {HCMA012363192026}

Sadhu
S/o.Kanniappa Naicker

..Petitioner

Vs

Amirthammal @ Ponnamal (died)

1. D.Gangadharan,
   S/o.Duraisamy Naicker

2. Gajendran
   S/o.Kanniappa Naicker

   Jayaraman(died)

   Kasi (died)

   Chellammal (died)

3. K.Dhinakaran
   S/o.K.Kasi

4. Kanthamani
   W/o.Kannappan

5. Pushparaj,
   S/o.K.Kasi

6. Muruganm
   H/o.Chellammal

7. Saravanavel
   S/o.S.Murugan

https://www.mhc.tn.gov.in/judis

WEB COPY

8. Mahalakshmi
   D/o.S. Murugan

9. Kalaivani
   D/o.S.Murugan

10. Jeenanesan,
    S/o.A.Kamban

11. Muninathan
    S/o.Nagappan

12. Govindammal
    W/o.Late Jayaraman

13. Kumar
    S/o.Late Jayarraman

14. Vasanthi
    D/o.Jayaraman

15. Baskar
    S/o.late Jayaraman

16. A.Vimala
    W/o.Anandan

17. M.Vanaja
    W/o.S.Moorthy

18. G.Kumaravathi
    W/o.T.Ganesan

19. Krishnaveni
    W/o.Late Jagadeesan

20. Valar @ Janaki,
    D/o.Jegadeesan

21. Shanthi,
    D/o.Jegadeesan

https://www.mhc.tn.gov.in/judis

WEB COPY

22.Gomathi,
D/o.Jagadesan

23.Sasi,
D/o.Jagadesan

24.Sivanandham,
S/o.Duraisamy Naicker

25.Deiva Sikamani
H/o.Jayalakshmi

26.Parthasarathy,
S/o.Deiva Sikamani

27.Parvathi,
D/o.Deiva Sikamani

28.Sundari,
W/o.Chockalingam

29.Priya,
D/o.Chockalingam

30.Lakshmi
D/o.Chockalingam

31.Saranya,
D/o.Chockalingam

32.Saraswathi,
W/o.Gandhi

33.Purushothamman
S/o.Duraisamy Naicker
(Respondents 2 to 33 are not necessary parties to this revision and hence, given up.)

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 21.07.2026 made in I.A.No.23 of 2020 in O.S.No.107 of 2017 on the file of Court of Principal District Munsif, Poonamallee.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner : Mr.Abishek Jenasenan
for Mr.Mohanasundararajan S

*****

ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India against the order dated 21.07.2026 passed in I.A.No.23 of 2020 in O.S.No.107 of 2017 by the Principal District Munsif, Poonamallee. wherein the application filed by the first respondent/proposed second plaintiff to condone the delay in impleading the legal representatives of the deceased sole plaintiff, came to be allowed by the Court below.

2. Heard learned counsel for petitioner and carefully perused the materials available on record. This Court also went through the impugned order.

3. The first respondent has been served with notice and the learned counsel appearing on behalf of the first respondent before the Court below has also been served with notice, however, there is no appearance on behalf of the first respondent either in person or through counsel.

4. One Amirthammal @ Ponnammal filed the suit in O.S.No.107 of 2017 seeking the relief of partition and for allotment of 1/5th share in the suit property. She died during the pendency of the suit. The first respondent/ proposed second

https://www.mhc.tn.gov.in/judis

Order QR

WEB COPY

plaintiff filed application in I.A.No.23 of 2020 in O.S.No.107 of 2017 to condone the delay of 76 days in impleading the legal heirs of deceased plaintiff, set aside the abatement and to implead the first respondent as the second plaintiff in the suit and the other legal heirs as proposed defendants 22 to 36.

5. The petitioner/first defendant filed a counter in the said interlocutory application and took the following stand:

> "4. The respondent submits that the petitioner has alleged that Amirthammal died on 04.03.2015. But he has not filed the death certificate and legal heir certificate to prove that actually those persons are the legal heirs of Amirthammal.
>
> 5. The respondent submits that the petitioner has not produced the death certificates and legal heir certificates of 1)Jagadeesan, 2)Kavitha, 3)Jayalakshmi and 4)Chockalingam in the court. So in the absence of necessary documents, the alleged legal heirs cannot be impleaded in the suit on the wish of the petitioner only. The petitioner should file necessary certificates and prove to the court as to when they died and who are the legal heirs of the deceased persons.
>
> 6. The respondent further submits that the petitioner suppressed many facts and filed the petition. The 1st plaintiff Amirthammal had already settled the property in favour of one of her daughters Mrs.Vimala and she in turn sold the property and received the benefits. So even without any decree, Amirthammal had already enjoyed the fruits of the property. Hence the suit for partition itself is not maintainable and so also this petition is not maintainable."

6. In spite of the above objection raised on the side of petitioner, the Court below proceeded to allow the application by an order dated 21.07.2026. Aggrieved by the same, the present revision has been filed before this Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

7. The Court below has not taken into consideration the objection raised by the petitioner/first defendant and straight away the application has been allowed. The specific objection raised is that neither the death certificate nor the legal heirship certificate was filed and even the death certificate of the other legal heirs have not been properly explained by the first respondent/proposed plaintiff. The Court below failed to consider the fact that the suit is for partition and therefore, all the necessary parties must be brought on record and in the absence of relevant records, there is no question of mechanically allowing the application even without taking into consideration the objections raised by the petitioner/first defendant.

8. In the light of the above discussion, the order dated 21.07.2026 made in I.A.No.23 of 2020 in O.S.No.107 of 2017 by the Principal District Munsif, Poonamallee, is set aside. The matter is remanded back to the file of the Principal District Munsif, Poonamallee and the Court below is directed to consider the objection raised by the petitioner and shall ensure that all the relevant documents are filed to satisfy the Court that the sole plaintiff had died and all the legal representatives are properly brought on record. The Court below shall pass final orders in I.A.No.23 of 2020 in O.S.No.107 of 2017 after affording opportunity to both parties in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

https://www.mhc.tn.gov.in/judis

Order QR

In the result, this civil revision petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

17-11-2026

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

To
The Principal District Munsif,
Poonamallee.

https://www.mhc.tn.gov.in/judis

WEB COPY

N.ANAND VENKATESH, J.

gm

Civil Revision Petition No.6427 of 2026

17-11-2026

https://www.mhc.tn.gov.in/judis