



CRP(MD). No.2010 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 24/02/2026

CORAM

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

CRP(MD). No.2010 of 2022 and
CMP(MD).No.9222 of 2022

1. Annadurai,
2. Chellapandi

... Petitioners

Vs

1. Balakrishnan(Died),
2. Padma
3. Selvam
4. Kalpana
5. Pandi
6. Punitha

Respondents 2 to 6 are
Brought On Record as Lrs of the
deceased sole respondent in
CMP(MD).No.1571 of 2023)

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records relating to the impugned fair and decretal order dated 20-06-2022 and made in I.A.No. 1 of 2021 in A.S.No. 59 of 2013 on the file of Learned Subordinate Judge, Sivagangai, set aside the same.

For Petitioner : M/s.S.Srinivasa Raghavan,

1/5



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Advocate.

For Respondents : Mr. Gokul Abimanyu
Legal aid counsel

ORDER

This Civil Revision Petition has been filed to call for the records relating to the impugned fair and decretal order dated 20.06.2022 made in I.A. No. 1 of 2021 in A.S. No. 59 of 2013 on the file of the learned Subordinate Judge, Sivagangai.

2. The present Civil Revision Petition has been filed challenging the order dismissing the application filed to implead the proposed party as the second defendant, who is none other than the brother of the appellant in the appeal suit.

3. The brief facts are that a Will was executed by the deceased father of the revision petitioners, namely Panchavarnam, on 03.08.1987. The father died on 02.01.2016, pending the first appeal. Thereafter, an application was filed by the 1st petitioner in March 2018 seeking to implead his brother as the second defendant, which came to be



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dismissed. The first appellate Court, while dismissing the application, held that the proposed party is not a necessary party to the suit for injunction and did not assign sufficient reasons.

4. The only point for consideration is, whether the proposed party is a necessary party or not. It is evident that the claim is based on the Will dated 03.08.1987, and the proposed party, being the brother of the appellant in the appeal suit, has a direct interest in the subject matter of the suit. Therefore, he is a necessary and proper party for effective adjudication.

5. Accordingly, the order passed by the first appellate Court is set aside, and this Civil Revision Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

6. This Court also places on record its appreciation for the commendable efforts of the legal aid counsel appearing for respondents 2 to 6, namely Mr. Gokul Abimanyu, for conducting the case diligently and



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rendering valuable assistance to this Court. The High Court Legal Services Committee attached to this Bench is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) towards remuneration to the said legal aid counsel for conducting the case, within a period of two weeks from the date of receipt of a copy of this order.

7. The Registry is directed to forward a copy of this order to the Legal Services Committee for information.

24.02.2026

Index : yes / no

Internet : yes / no

TO

Subordinate Judge, Sivagangai,



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N. SENTHILKUMAR,J

trp

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Date : 24/02/2026