

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

Present : Tmt.M.Santhosham., B.Sc., B.L.,

District Munsif, Sulur

Thiruvalluvar year 2057 Sri Parapava year, 7th day of Cittirai

Monday the 20th day of April 2026

I.A.No.3/2025

in

O.S.No. 68/2024

1. Soundararaj

2. Dharmaraj

... Petitioner/Proposed Parties

/VS/

1. Kamalam

2. Rathinasamy

3. V. Aravind Kumar

... Respondents/Plaintiffs

4. M/s. Indian Bank

Sulthanpet Branch,

Rep by its Bank Manager

... Respondent /Defendant

This petition is coming on this day for final hearing before me in the presence of Mr.K.K.Merrish, Advocate for the Petitioners and Mr.E.Gopala Krishnan, Advocate for the 1st to 3rd Respondents and the 4th Respondent being called absent set exparte and upon perusing the records, and this court made the following:

ORDER

This petition filed by the petitioners under order 1 rule 10 and section 151 of CPC to permit the petitioners to implead them as a 2nd and 3rd defendants in the above case.

1. The brief averments of the affidavit filed by the petitioners as follows:

1.1. The 1st to 3rd respondents/ plaintiffs have filed the above suit for permanent injunction restraining the 4th respondent/defendant from disbursing the amounts in the fixed deposit and saving bank accounts to nominees or any other person except upon production of a succession certificate from the appropriate court for the said amounts. Petitioners have received a letter dated 04.03.2025 from the 4th respondent/defendant bank stating that 1st to 3rd respondents/ plaintiffs have filed the Succession Original Petition in SOP No.341/2024 before the Hon'ble Principal District Judge of Coimbatore for grant of Succession Certificate in respect of the debts and securities of late Kuppusamy, who died as bachelor on 06.04.2024 claiming they are legal heirs of the deceased Kuppusamy. Hence, petitioners have filed an objection petition in the aforesaid SOP.No.341/2024 before the Hon'ble Principal District Judge of Coimbatore and the same is pending.

1.2. One Arumuga Gounder and Mandhiriappan are sons of Kaliappa Gounder and Valliammal is the daughter of Kaliappa Gounder. The said Valliammal married Rangasamy Gounder and had one son Subbaiya Gounder and one daughter Muthammal. The said Muthammal married by Arumuga Gounder and they begot Kuppusamy as only son who died as a bachelor and the above case has filed for the property of the said deceased Kuppusamy by 1st to 3rd respondents/ plaintiffs. The 1st petitioner is the son of Subbaiya Gounder and the deceased Kuppusamy is the uncle and his mother Muthammal is my father Subbaiya Gounder's sister. Hence 1st petitioner is a legal heir of the deceased Kuppusamy.

1.3. During the life time of Kuppusamy he was looked after by petitioners, were 1st petitioner a legal heir as stated supra and the 2nd petitioner is distant relative. Petitioners have taken care of the said Kuppusamy during his lifetime and the last rites of deceased Kuppusamy was carried out by 1st petitioner. During the life time of Kuppusamy, he had fixed deposits with the 4th respondent/ defendant Bank as follows: a). FD bearing No.7606125944 for a sum of Rs.90,00,000/- for the

period of 400 days with a rate of interest 7.75% for a period from 15.09.2023 to 19.10.2024. b). FD bearing No.7596954515 for a sum of Rs.1,00,00,000/- for the period of 400 days with a rate of interest 7.75% for a period from 04.09.2023 to 08.10.2024. c). FD bearing No.7522253175 for a sum of Rs.1,00,00,000/- for the period of 400 days with a rate of interest 7.75% for a period from 06.06.2023 to 10.07.2024.

1.4. The deceased Kuppusamy has no health issues other than diabetics. The said Kuppusamy was taken to various hospitals during his life time by petitioners for the treatment of diabetics at, CMC Vellore, Ramakrishna Hospital Coimbatore, lastly at Ganga Hospital Coimbatore were his one leg below the knee was amputated before 6 months of his death. The deceased Kuppusamy, was residing at No.7/547, Sulthanpet, Varapatti, Suler Taluk, Varapatti, Coimbatore - 641 669 and expired on 06.04.2024, leaving behind the above mentioned fixed deposits in the respondent/defendant bank. Moreover there is a amount of Rs.14,40,646.11 at the respondent/defendant bank savings account No. 21163544915 maintained by Late. Kuppusamy.

1.5. The deceased Kuppusamy was look after during his life time with due care love and affection by petitioners. The said Kuppusamy had intimate love and affection with petitioners as petitioners are only took care of the said Kuppusamy. Out of the love and affection, petitioners were made as nominees for the aforesaid fixed deposits and the original deposit receipts were given to the custody of the 2nd petitioner. Moreover, petitioners were taken care of day today affairs of the deceased Kuppusamy during his period of life time and all the records such as family card, Aadhar card and the aforesaid savings account passbook were given the custody of the 2nd petitioner by the said Kuppusamy. Further said Kuppusamy have also stated to petitioners that after his life time, the balance amount lying in his savings account can be shared between petitioners.

1.6. Petitioners are the nominees of the fixed deposits, as per the records maintained by the 4th respondent/ defendant bank. The deceased Kuppusamy had intended and expressed that the fixed deposit should be received and enjoyed by petitioners as their beneficial entitlement, and petitioners have duly informed and acknowledged by the bank as such nominees. But the 1st to 3rd respondents/ plaintiffs have suppressed the above said facts have filed the above suit before this Court without adding petitioners as a parties in the above suit. Hence it has become just and necessary to implead petitioners as 2nd and 3rd defendants in the in the above suit.

1.7. By impleading petitioners as 2nd and 3rd defendants in the above suit, the respondent's will not put into any prejudice or loss. If petitioners are not implead as a 2nd and 3rd defendants in the above case, petitioners will be put in to serious loss and hardship. Hence, the petition is to be allowed.

2. The brief averments of Counter statement filed by the 3rd Respondent and adopted by the 1st and 2nd Respondents as follows:

2.1. The petition is false, frivolous and not maintainable on law and facts of the case. The contentions raised in the petition are denied by the Respondents, except that they are specifically admitted herein. The Petitioner is put to strict proof of the averments contained in the petition. Arumugam Gounder Mandhiriappan and Valliammal are the children of Kaliappa Gounder, and that Muthammal, daughter of Valliammal, married her maternal uncle Arumugam whose only son Kuppusamy died a bachelor, are borne out by facts and not disputed.

2.2. 1st to 3rd Respondents are the Class II legal heirs and agnates of late Kuppusamy. This court has already declared 1st to 3rd respondents as the Class II legal heirs of deceased Kuppusamy in O.S.No.102/2024. Late Kuppusamy was suffering from various ailments, and the Petitioners, taking advantage of his old age and medical condition, manipulated him and got themselves registered as nominees in his bank accounts. While that being so, the plaintiffs in the above suit are the

lawful legal heirs of late Kuppusamy. This Under law, a nominee is only entitled to receive the amounts held in fixed deposits and bank accounts on behalf of the legal heirs. The legal heirs alone are entitled to the movable properties as per the applicable law of succession. A nominee cannot supersede the rights of the legal heirs.

2.3. The Plaintiffs in the above suit have already been declared as the legal heirs of late Kuppusamy and have also initiated proceedings for issuance of a succession certificate in S.O.P. No.341/2024 before the Principal District Court, Coimbatore. The present suit has been filed seeking an injunction against the 4th Respondent Bank to prevent the nominees or any third parties from withdrawing the amounts held in the bank. The Petitioners herein are neither necessary nor proper parties to the said suit. Hence, this petition is liable to be dismissed

3. No Witnesses were examined on either side, and no documents were marked as exhibits.

4. Points for Consideration:-

Whether the petition under order 1 rule 10 and section 151 of CPC to permit the petitioners to implead them as a 2nd and 3rd defendants in the above case is to be allowed?

5. Points :-

5.1. The Petition affidavit, counter and the enquiry of both parties were carefully considered. Heard the counsels for both the parties. The suit documents were carefully examined. The 1st to 3rd Respondents/Plaintiffs filed the main suit for permanent injunction. Now the original suit is pending for trial.

5.2. Petitioners stated that, Petitioners are the nominees of the fixed deposits, as per the records maintained by the 4th respondent/ defendant bank. The

deceased Kuppusamy had intended and expressed that the fixed deposit should be received and enjoyed by petitioners as their beneficial entitlement, and petitioners have duly informed and acknowledged by the bank as such nominees. But the 1st to 3rd respondents/ plaintiffs have suppressed the above said facts have filed the above suit before this Court without adding petitioners as a parties in the above suit.

5.3. The 1st to 3rd Respondents are objected that, the Plaintiffs in the above suit have already been declared as the legal heirs of late Kuppusamy and have also initiated proceedings for issuance of a succession certificate in S.O.P. No.341/2024 before the Principal District Court, Coimbatore. The present suit has been filed seeking an injunction against the 4th Respondent Bank to prevent the nominees or any third parties from withdrawing the amounts held in the bank. The Petitioners herein are neither necessary nor proper parties to the said suit.

5.4. On perusal of the records, the petitioners are stated they are the nominees of the fixed deposits, as per the records maintained by the 4th respondent/ defendant bank. By impleading the petitioners as 2nd and 3rd defendants in the above suit, the respondents are not prejudice. Hence, in the interest of justice and to avoid the multiplicity of the proceedings the petitioners are the necessary parties to the suit proceedings. In the interest of justice this petition is allowed.

In the result, this petition is allowed. No cost.

Dictated to the Steno-typist and directly typed by her in computer, corrected and pronounced by me in open court this the 20th day of April 2026.

Sd/M.Santhosham
District Munsif,
Sulur.

List of witnesses and documents on Petitioners side:- - Nil

List of witnesses and documents on Respondents side:- - Nil

Sd/M.Santhosham

District Munsif,

Sulur.

Draft/ Fair Order
I.A.No.3/2025 in
O.S.No.68/2024
Dated:20.04.2026
DMC, Sulur