

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
CHENGALPATTU DISTRICT.**

Present : **Thiru.T.Chandrasekaran, M.L.,**
Principal District Judge,
Chengalpattu.

Monday the 6th day of April, 2026

E.A.No.1/2023
in
E.P.No.1/2022

R.Malliga . . . Petitioner / DH / Plaintiff.

/Vs/

1. R.Dillibabu (**died**) . . . Respondent / JD / Defendant.

2. Banumathi

3. Pushpalatha

4. Minor Bushan

5. Minor GangaSri,

minors are represented by their mother / natural guardian

Pushpalatha, 3rd respondent.

. . . Proposed Respondents / JDs.

This petition came up before me on 06.02.2026 for final hearing in the presence of Tvl.H.T.Magesh Kumar and B.Prabhakaran, Advocates for the petitioner and Selvi.T.Aswini, Advocate for the respondents 4 and 5, upon hearing the arguments of both sides, perusing the entire records and having stood over the matter for consideration till this

day, this court delivers the following,

ORDER

This petition is filed by the petitioner / DH under Section 50 read with Section 151 of CPC, to implead the proposed respondents being the legal heirs of deceased 1st respondent / JD in the EP petition.

2. The averments set out in the petition filed by the petitioner briefly read as follows :

The petitioner herein is the Decree Holder in EP and plaintiff in the suit in O.S.No.311/2017. The EP is filed for recovery of Rs.95,83,229/- being the outstanding dues to be paid by the 1st respondent / JD along with subsequent interest as per the final decree on mortgage dated 09.08.2021. At the time of service of notice in EP, the petitioner / DH came to know that the respondent who is sole JD died on 27.05.2021 leaving behind his mother Banumathi, wife Pushpalatha and minor children namely minor Bushan and minor GangaSri as his legal heirs who are the proposed respondents herein, to succeed his estates. Therefore, the petitioner prays to implead the proposed respondents / legal heirs of deceased 1st respondent, as respondents 2 to 5 in the Execution Petition for proper and effective adjudication. No prejudice will be caused to the proposed respondents / JDs if the petition is allowed. If the petition is not allowed, the petitioner / DH will be put to untold hardship and irreparable loss. Hence, the petition.

3. The averments set out in the counter filed by the respondents 4 and 5, briefly read as follows :

The 4th and 5th respondents are minors and court guardian of the said minors is filing the counter on their behalf. The alleged execution does not bind the minor respondents and the filing of EP against the minors also does not bind. The petition is a clear abuse of process of law. The EP is void ab-initio. There are no merits in the petition. Hence, prayed for dismissal of petition with compensatory costs.

4. The point that arises for consideration is :

Whether the proposed respondents 2 to 5 have to be impleaded as respondents 2 to 5 in the EP?

5. On point :

Heard the counsel for both sides and perused the records. Admittedly the sole Judgment Debtor, the 1st respondent herein died and the proposed 2nd to 5th respondents are his surviving legal heirs, who are mother, wife and minor children. The death certificate and the legal heirship certificate filed along with this petition reveal the same. As per law, the proposed 2nd to 5th respondents, being the only legal heirs who are liable to succeed the estates of deceased 1st respondent, are necessary parties to be impleaded in the execution petition. Though the learned counsel / court guardian of minor respondents 4 and 5 has contended that the EP petition does not bind the minor respondents, it cannot be

countenanced, as they are the legal heirs of deceased 1st respondent.

Hence, the petition has to be allowed.

In the result, the petition in E.A.No.1/2023 is allowed. No costs.

Typed to my dictation, corrected and pronounced by me in open court, on this the 6th day of April, 2026.

Principal District Judge,
Chengalpattu.

Both side witness and exhibit :
Nil.

Principal District Judge,
Chengalpattu.