

**IN THE COURT OF SUBORDINATE JUDGE,
MADURANTAKAM.**

**Present: Mr. T. GANESH, B.A., B.L.,
Subordinate Judge,
Madurantakam.**

**Tuesday, this 03rd day of February, 2026
E.A.No. 1/2025
in
E.P No. 19/2025
in
O.S No. 33/2021
(CNR.No.TNCG13 – 000382-2025)**

Munusamy

...Petitioner/Decree Holder

..Vs..

Sankaran

...Respondent/Judgment Debtor

1. Navaneswari

2. Ezhilraj

3. Sathishkumar

4. Ramkumar

... Legal Representatives of Judgment Debtor/

Respondents 2 to 4/Judgment Debtor 2 to 4

This petition coming up for final hearing on 27.01.2026 in the presence of Mrs.ArunaMunuswamy, Counsel for Petitioner/Decree Holder and M/s.M.N.Raman, Sivalingam and R.Ashwin, counsel for respondents Legal Representatives of Judgment Debtor/Respondents 2 to 4/Judgment Debtor 2 to 4 and set exparte and having heard the arguments on both sides and having perused the records, having

stood over for the consideration of this court till date, this court delivered the following;

ORDER

This petition is filed by the petitioner under under Section 50 of Civil Procedure Code to recognize the respondents 2 to 4 as legal Representatives of the Deceased Judgment Debtor.

2. Petition in brief:

Petitioner had filed the above EP against the respondent for recovery of E.P. amount as per the judgment and decree. Pending E.P., the J.D. was died on 24-08-2023 leaving behind his wife and 3 sons to succeed his estates. The legal heirs are bound to discharge the debt. They have inherited vast moveable and immoveable properties from the deceased. Therefore it has become just and necessary to recognize them as legal heirs and implead them as 2 to 4 respondents and J.Ds 2 to 4. If the 2 to 4 respondents are recognized as legal heirs of deceased J.D., no prejudice will be caused to the respondents. Hence the petitioner files this petition for recognize the respondents 2 to 4 as legal Representatives of the Deceased Judgment Debtor.

3. Counter of 4th respondent and adopted by the 2nd respondents 2 to 3 in brief:

The respondent denies all the above said averments set out in affidavit. Deceased J.D was died on 24.08.2023. Petitioner / Decree Holder has mislead and misrepresent before this court and filed this E.A.No.1/25 as against legal heirs of the deceased / Respondent after the death of the J.D in order to get false claim as against the legal heirs / Respondents.

The Deceased Respondent /J.D already cleared and settled the loan amount before in the year 2019 itself, there after no transaction between the Deceased Respondent and the Petitioner herein as such the father of the Respondent had not informed to his family, and also after death of the Deceased Respondent on 24.08.2023, the Petitioner herein had cleverly concealed the entire facts about the transaction between the Deceased Respondent and filed the vexations E.P.No. 19/25

as against the Death person of Deceased Sankaran. Based on the false E.P.Petition the Petitioner herein filing this E.A.1/2025 to implead the legal heirs in the Execution petition which is not absolutely not maintainable either in law or an facts.

Respondents / Legal heirs states that the Respondent legal heirs had no knowledge about the alleged transaction as well as expartee Judgment / Decree obtained by the Decree Holder / Petitioner as against deceased father. Respondents are put to shock and surprise after receiving E.A notice from this Hon'ble court in E.P.No. 19/25 about the exparte Judgment passed against the Respondent father by this Hon'ble court. Immediately the Respondents / L.R's filed the Petition to set aside the expartie order with condone delay petition along with Respondents written statement before this court which is pending for numbering in S.R.No.9303/2025 dated 05.12.2025.

Decree Holder filed the suit O.S.No.33/23 with fabricated and created Documents after cleared entire loan amount to the Decree Holder as Respondents/Legal herein has having valued proof to prove their case. Decree Holder has not come with clean hands and suppressed real facts and trying to claim on filing of false case. Hence this petition is liable to be dismissed.

4. No oral or documentary evidence adduced by both parties.
5. Heard both sides and perused the records.

6. Point:

“Whether this application can be allowed?”

This petition is filed under Section 50 of the Code of Civil Procedure seeking to recognize respondents 2 to 4 as the legal representatives of the deceased Judgment Debtor and to implead them in the execution proceedings.

The case of the petitioner / decree holder is that an Execution Petition was filed for recovery of the decree amount and during the pendency of the said execution proceedings, the Judgment Debtor died on 24.08.2023, leaving behind his wife and

three sons. It is contended that the legal heirs have succeeded to the estate of the deceased Judgment Debtor and are therefore bound to discharge the decretal liability to the extent of the assets inherited by them. According to the petitioner, the recognition of respondents 2 to 4 as legal representatives is just and necessary for the effective continuation of the execution proceedings and no prejudice would be caused to them by such impleadment.

Per contra, the 2nd respondent has filed a detailed counter denying the averments made in the petition. The respondent contends that the petitioner has misled the Court by filing the execution petition against a deceased person and thereafter seeking to implead the legal heirs. It is the specific case of the respondent that the alleged loan transaction had already been settled by the deceased Judgment Debtor in the year 2019 and that there was no subsisting liability thereafter. It is further contended that the respondents had no knowledge about the alleged transaction or the ex parte judgment and decree said to have been obtained against their deceased father. The respondents have also stated that they have already taken steps to set aside the ex parte decree by filing appropriate petitions, which are pending consideration. According to the respondent, the decree holder has suppressed material facts, relied upon fabricated documents, and the present petition is vexatious and not maintainable either in law or on facts.

This Court has carefully considered the rival submissions and perused the materials placed on record. At this stage, the scope of enquiry under Section 50 CPC is limited. The Court is only required to ascertain whether the respondents sought to be impleaded are the legal representatives of the deceased Judgment Debtor and whether they can be brought on record for the purpose of execution of the decree. Questions relating to the validity of the decree, the correctness of the claim, the alleged discharge of the debt, or the pendency of proceedings to set aside the ex parte decree are matters to be decided in appropriate proceedings and cannot be adjudicated upon in an application of this nature.

The death of the Judgment Debtor during the pendency of execution proceedings is not disputed. The relationship of respondents 2 to 4 with the deceased Judgment Debtor as his wife and sons is also not seriously disputed. Section 50 CPC clearly provides that where a Judgment Debtor dies before the decree is fully satisfied, the decree holder may apply to the Court to execute the decree against the legal representatives of the deceased, to the extent of the property of the deceased which has come to their hands. Therefore, for the limited purpose of continuing the execution proceedings, the legal representatives of the deceased Judgment Debtor are required to be brought on record.

The objections raised by the respondents regarding alleged settlement of the loan, fabrication of documents, suppression of facts, and pendency of petitions to set aside the ex parte decree are all matters touching upon the merits of the decree and the executability of the same. Such contentions cannot be gone into at this stage and are left open to be raised in accordance with law in the appropriate proceedings.

In view of the above discussion, this Court is of the considered opinion that the petitioner has made out a case for recognizing respondents 2 to 4 as the legal representatives of the deceased Judgment Debtor for the purpose of execution, subject to the statutory limitation that their liability, if any, shall be confined to the extent of the estate inherited by them. Accordingly, this point is decided in favour of the petitioner. Hence this application is decided accordingly.

7. Result:

In fine this application is allowed. No costs.

Directly typed in my personal lap-top, corrected and pronounced by me in the open court, this 03rd day of February, 2026.

Subordinate Judge,
Madurantakam.

Both sides Evidence and Exhibits: Nil

Subordinate Judge,
Madurantakam.

Fair / Draft order
E.A No. 1/2025
in
E.P No. 19/2025
in
O.S No. 33/2021
D.D: 03.02.2026
Subcourt,
Madurantakam