

IN THE COURT OF THE FIRST ADDITIONAL DISTRICT JUDGE,  
TIRUNELVELI.

PRESENT: Thiru. D. SELVAM, M.L.  
1<sup>st</sup> Additional District Judge,  
Tirunelveli.

Saturday, the 01<sup>st</sup> day of August 2026

I.A. No. 05/2025 in C.M.A. No. 22/2019

|                              |                                   |
|------------------------------|-----------------------------------|
| S. Udaiyar                   | ... Petitioner/Appellant          |
| // Versus //                 |                                   |
| 1. V. Ponnudurai             |                                   |
| 2. Chella Shanmugavel (Died) | ... Respondents/Respondents       |
| 3. Krishnasubramanian        | ... Respondent/3rd proposed party |

This petition came up before this court on 22.07.2026 for a final hearing in the presence of Thiru. M. Sivasubramanian, Advocate for the Petitioners and Thiru. S.B. Kamalanathan, Advocate for the 1<sup>st</sup> respondent and 2<sup>nd</sup> respondent died, and the 3<sup>rd</sup> Respondent called absent and set exparte and upon hearing both sides' arguments and perusing the records and having stood over till this date for consideration, this court delivers the following ...

ORDER

1. This petition has been filed under Section 50 of the C.P.C to implead the proposed party as the 3<sup>rd</sup> respondent in the petition, as detailed set out in the petition, with costs.

2. The brief averments in the petition are as follows:-

The petitioner is the Appellant, and he knows the facts of the case. During the pendency of the appeal, the 2<sup>nd</sup> respondent, Chella Shanmugavel, died on 10.06.2024

as a bachelor, leaving behind his blood brother Krishnasubramanian as his only available legal heir. At this stage, the 3<sup>rd</sup> respondent is a necessary party for the proper adjudication as the legal heir of the deceased 2<sup>nd</sup> respondent. Hence, the petition is filed to implead the proposed party as the 3<sup>rd</sup> respondent in the main claim appeal.

3. The brief averments of the counter filed by the 1<sup>st</sup> respondent are as follows:-

The petition is false, frivolous, and vexatious; the respondent denied the allegations contained in the petition except for the admitted facts. The petition is not maintainable in law and on the facts. The petitioner ought to prove the proposed party is the legal heir of the deceased 2<sup>nd</sup> respondent. The other allegations should be proved by the petitioner. The petitioner has filed the petition with the intention of dragging the case. Hence, the petition may be dismissed with costs.

4. The Point for determination in the petition is:

Whether the petition can be allowed?

5. During the enquiry, no evidence was adduced, and no documents were marked on both sides.

6. Answer to the Point: -

6.1. Heard both sides. This court carefully perused the affidavit, petition, counter, and case records.

6.2. On perusal of the records, the appeal is filed against the decree and judgment of the Principal Subordinate Judge, Tirunelveli dated 30.07.2019 in E.A. No. 232/2018 in E.P. No. 33/2015 in O.S. No. 146/2008. The appeal is pending for Arguments. At this stage, the petitioner has filed the application to implead the proposed party as the 3<sup>rd</sup> respondent as the legal heir of the deceased 2<sup>nd</sup> respondent.. Per contra, the respondent has opposed the petition.

6.3. This court considered revival submissions and case records. During the pendency of the appeal, the 2<sup>nd</sup> respondent died on 10.06.2024 as a bachelor. The proposed party is the blood brother of the deceased 2<sup>nd</sup> respondent, which is not disputed by both sides. As per the settled position of law, this court would like to allow the petition by the interest of justice.

7. In the result, this petition is allowed. This court directs the petitioner to carry out the amendment and submit the amended appeal memorandum within two weeks as per Order 6 Rule 18 of the CPC. If failed, the CMA will be dismissed.

Dictated to the steno-typist for direct typing and typed by her in the computer, and corrected, and pronounced by me in open court on this, the 01<sup>st</sup> day of August 2026.

1<sup>st</sup> Additional District Judge,  
Tirunelveli.

The petitioners' side witnesses and documents: Nil

The respondents' side witnesses and documents: Nil

1<sup>st</sup> Additional District Judge,  
Tirunelveli.

I Additional District Court,  
Tirunelveli  
DRAFT / FAIR ORDER  
IA No.05/2025 in  
C.M.A. No. 22/2019  
Dated: 01.08.2026