

IN THE XII COURT OF SMALL CAUSES, CHENNAI

PRESENT: Tmt. R. Rudhra., B.E., L.L.B(Hons), XII JUDGE

Monday, the 18th day of August 2025

M.P.No. 2 of 2025

in

RLTOP No. 595 of 2023

(CNR No.TNCH09-010310-2023)

1.Mr.V.V.R. Krishna Sai,
S/o Late Mr.V.V.Seshagiri Rao,

2.Ms.V.V.Girija Kumari,
D/o Late Mr.V.V.Seshagiri Rao,

3.Mr.V.V.Sree Hari Rao,
Son of Late. Mr.V.V.Seshagiri Rao

4.Mr.V.V.Sitarama Prasad
Son of Late. Mr.V.V.Seshagiri Rao

5.Mrs.Turaga Vasu Pranati,
Daughter of Mr. Turaga Raghu Rama Prasad,
Applicants 1 to 5 are residing at
H No.1-4-160/176/A,
Satyagiri Vihar, OU Teacher Colony,
Near Kandiguda Centre, Sainikpuri
Hydrabad -500 094.

6.Mr.Turaga Raghu Rama Prasad
Son of Late Mr.Turaga Vasudeva Rao,

7.Mr.Truga Sai Kishore,
Son of Mr.Turaga Raghu Rama Prasad,
Applicants 6 & 7 are residing at Sri Avas Apartments,
Mani Sai Enclave,
Sainikpuri, Hyderabad 500 094.

1st, 2nd, 5th, 6th, 7th Applicants
Are rep by their Power Agent 3rd and 4th Applicants
Based on the Power of Attorney dated 23.01.2023

...Applicants/Landlords

-Vs-

Mrs. Usha Rajagopal, (Deceased)

1.Ms.Radha Raghavan
Sister of the deceased, Aged about 71 years

2.Mr.K.R.Srinivasan
Brother of deceased, Aged about 63 years

The proposed Respondent/Tenants
Both are residing at
Door No 158 Kutchery Road,
Mylapore, Chennai 600 004.

...Proposed Respondents/Tenants

This petition came up for final hearing before me in the presence of M/s.T.Thiyagarajan, Mr.R.Ashwanth, Mr.R.Akshaya, Mr.M.Anadha Kumar and Mr.A.Sharma Infant Counsels for the Applicants/Landlords and 1st and 2nd Proposed respondents were called absent and set exparte and upon perusing the records and having stood over for consideration till this day, this court delivered the following:

ORDER

This Petition is filed under Order XXII Rule 4 of CPC

1.Gist of the petition:-

1. The petitioner/ 3rd applicant herein and the petitioner filing this affidavit on behalf of other applicants too and as such well acquainted with the facts and circumstances of the case. The petitioner states that we just came to understand that the respondent viz., Mrs.Usha Rajagopal died on 10.06.2024 based on the Memo dated 04.10.2024 and the said Memo was allowed by this Court. The petitioner state that it is submitted that the respondent was in a vegetative state for a long period prior to 2023 and was being taken care of by her own sister and brother, who have been residing in the schedule premises and on 05.03.2025, the Court directed us to take steps to bring the alleged legal heirs of the deceased respondent on record. Therefore, the petitioner submit that the following alleged legal heirs of the deceased respondent should be impleaded as 1st and 2nd respondents in the present case, namely Ms.Radha Raghavan, Sister of the deceased, Aged about 71 years and Mr.K.R.Srinivasan, Brother of

deceased, Aged about 63 years. Both of the above mentioned proposed respondents are residing at Door No.158, Kutchery Road, Mylapore, Chennai 600 004. However they claim to be residing at the demised premises taking care of the deceased Usha Rajagopal.

2. The petitioner state that the alleged legal heirs of the deceased respondent are necessary parties to the present proceedings, and their essential for the effective adjudication of the case and further submit that the inclusion of the alleged legal heirs as respondents is necessary to proceed with the present case. Therefore, it is prayed that this Court may be pleased to implead the Proposed Respondents/ alleged legal heirs of the deceased respondent as respondents in the present petition, and pass such other and further orders as may be deemed fit and thus render justice.

2. Gist of Counter:-

The Proposed respondent 1st and 2nd herein has been set exparte as the advocate who had given undertaking had not filed vakalat as per the undertaking.

3. Point for Consideration: -

1. Perusal records. Petitioner counsel enquiry heard. This Court on perusal of records and from petitioner counsel submission finds that the present RLTOP has been filed under section 21(2)(a) and further the petitioner herein on behalf of other applicants, is arguing that the deceased respondent, Usha Rajagopal, died on 10.06.2024. She was in a vegetative state for a long time and was cared for by her sister and brother. The petitioner proposes that the alleged legal heirs of the deceased, Radha Raghavan and Mr.K.R. Sriivasan, should be impleaded as respondents in the case. They claim to be living at the demised premises, taking care of the deceased. The petitioner argues that the court should implead the alleged legal heirs as respondents and pass any necessary orders to render justice. Hence the present petition.

2. Per contra, the proposed respondent 1 and 2 were set exparte for non filing of Vakalat.

3.This Court upon perusal of records finds that the proposed respondent 1 and 2 were set-exparte and further the details of the legal heirs of the deceased respondent was given by the deceased respondent counsel herein by way of filing memo dated 04.10.2024. Therefore, this court the inclined to allow the present petition in the interest of justice and for just determination of the case and thereby permits the petitioner herein to implead the Proposed Respondents/ alleged legal heirs of the deceased respondent as respondents in the present petition.

In result, the present petition to implead the Proposed Respondents/ alleged legal heirs of the deceased respondent as respondents in the present petition is allowed. No Costs.

Dictated by me to the stenographer directly computerized by him, corrected and pronounced by me in open court on this the 18th day of August 2025.

XII JUDGE