



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 20-04-2026**

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CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CRP No. 1392 of 2026**

**and**

**CMP.No.6767 of 2026**

1. R.Palanisamy,  
S/o.Ramasamy Gounder, 233, Elango  
Lay out 2nd Street, Kangayam Cross  
Road, Tiruppur, Tiruppur District. and 3  
Others

2. K.Natarajan,  
S/o.Kuppusamy Gounder,  
Parameswarampalayam, Nallur Village,  
Tiruppur, Tiruppur District.

3. K.Sambathkumar,  
S/o.Kuppusamy gounder,  
Parameswarampalayam, Nallur Village,  
Tiruppur, Tiruppur District.

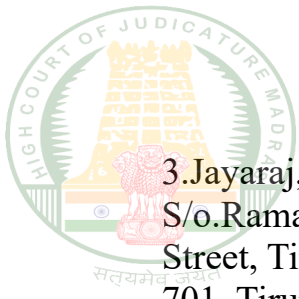
4. Vanitha,  
W/o.Saravanakumar, 233, Elango Lay  
out 2nd Street, Kangayam Cross Road,  
Tiruppur, Tiruppur District.

Petitioner(s)

Vs

1. Ramasamy Gounder,  
S/o.Late Sennimalai gounder, 1, Water  
Tank Street, Tiruppur Road, Kangayam  
-638 701, Tiruppur District.

2.Palanisamy gounder,  
S/o.Sennimalai Gounder, Chinna  
Thottam, Karapalayam, Kadaiyur Post,  
Kangayam Taluk, Tiruppur District.



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3.Jayaraj,  
S/o.Ramasamy gounder, 1, Water Tank  
Street, Tiruppur Road, Kangayam -638  
701, Tiruppur District.

4.Sivasalapathy,  
S/o.Ramasamy gounder, 1, Water Tank  
Street, Tiruppur Road, Kangayam -638  
701, Tiruppur District.

5.Paramasivam,  
S/o.Palanisamy gounder, Chinna  
Thottam, Karapalayam pudur, Kadaiyur  
Post, Kangayam Taluk, Tiruppur  
District.

6.Premavathy,  
D/o.Palanisamy gounder, Chinna  
Thottam, Karapalayam Pudur, Kadaiyur  
Post, Kangayam Taluk, Tiruppur  
District.

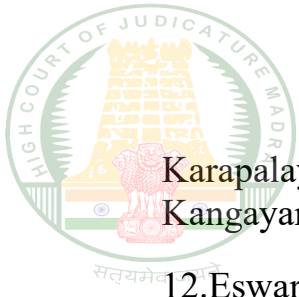
7.Duraisamy,  
S/o.Late Palanisamy gounder, Chinna  
Thottam, Karapalayam Pudur, Kadaiyur  
Post, Kangayam Taluk, Tiruppur  
District.

8.Thiruganasambandam,  
S/o.Late Velusamy, Kovilkadu Thottam,  
Kattupalayam, Kadaiyur Post,  
Kangayam Taluk, Tiruppur District.

9.Aachiyammal,  
W/o.Late Velusamy, Kovilkadu  
Thottam, Kattupalayam, Kadaiyur Post,  
Kangayam Taluk, Tiruppur District.

10.Nandakumar,  
S/o.Duraisamy, Chinna Thottam,  
Karapalayam Pudur, Kadaiyur Post,  
Kangayam Taluk, Tiruppur District.

11.Jayanthi,  
D/o.Duraisamy, Chinna Thottam,



Karapalayam Pudur, Kadaiyur Post,  
Kangayam Taluk, Tiruppur District.

12.Eswari,

D/o.Duraisamy, Chinna Thottam,  
Karapalayam Pudur, Kadaiyur Post,  
Kangayam Taluk, Tiruppur District.

13.Gurusamy gounder,

S/o.Late Ramasamy gounder, 7/333,  
Chinna Thottam, Karapalayam Pudur,  
Kadaiyur Post, Kangayam Taluk,  
Tiruppur District. Eswaramoorthy  
(died)

14.Muthulakshmi,

D/o.Late Ramasamy gounder, 7/333,  
Chinna Thottam, Karapalayam Pudur,  
Kadaiyur Post, Kangayam Taluk,  
Tiruppur District.

15.Mohanraj,

S/o.Gurusamy, 7/333, Chinna Thottam,  
Karapalayam Pudur, Kadaiyur Post,  
Kangayam Taluk, Tiruppur District.

16.Selvaraj,

S/o.Gurusamy gounder, 7/333, Chinna  
Thottam, Karapalayam Pudur, Kadaiyur  
Post, Kangayam Taluk, Tiruppur  
District.

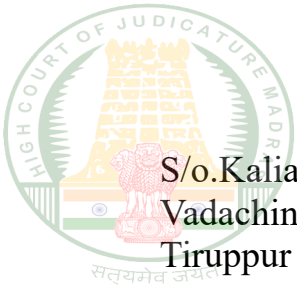
17.Nirmaladevi,

D/o.Gurusamy gounder, 7/333, Chinna  
Thottam, Karapalayam Pudur, Kadaiyur  
Post, Kangayam Taluk, Tiruppur  
District.

18.Sakthivel,

S/o.Eswaramoorthy, Sakthi Rice Mill,  
Kattupalayam, Kadaiyur Post,  
Kangayam Taluk, Tiruppur District.  
Velusamy gounder (died)

19.R.Karuppusamy,



S/o.Kaliappa gounder, Karapalayam,  
Vadachinnarpalayam, Kangayam Taluk,  
Tiruppur District.

20.M.Sivalingam,  
S/o.Muthusamy gounder, Karapalayam,  
Vadachinnarpalayam, Kangayam Taluk,  
Tiruppur District.

21.K.Eswaran,  
S/o.Late Karuppa gounder,  
Karapalayam, Vadachinnarpalayam,  
Kangayam Taluk, Tiruppur District.  
Kandasamy (died), Muthusamy  
gounder(died)

22.Neelak Gounder,  
S/o.Late Muthusamy gounder,  
Karapalayam, Vadachinnarpalayam,  
Kangayam Taluk, Tiruppur District.

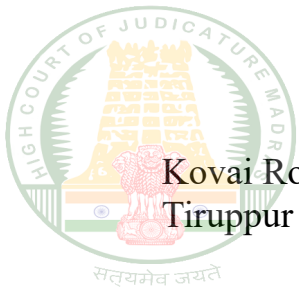
23.K.Venkatachalam,  
S/o.Krishnasamy gounder,  
Kosavampalayam, Kandiyankovil  
Village, Tiruppur Taluk, Tiruppur  
District.

24.K.Senthilnathan,  
S/o.Krishnasamy gounder,  
Kosavampalayam, Kandiyankovil  
Village, Tiruppur Taluk, Tiruppur  
District.

25.P.Chandira,  
W/o.Periyasamy, Neelakkattupudur,  
Sennimalai Post, Kangayam Taluk,  
Tiruppur District.

26.V.Visalakshi,  
W/o.Vaitheeswaran, 100, Tiruppur  
Road, Kangayam -638 701, Kangayam  
Taluk, Tiruppur District.

27.K.P.Sakthivel,  
S/o.Late Palanisamy gounder, 139,



Kovai Road, Kangayam-638 701,  
Tiruppur District.

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Respondent(s)

For Petitioner(s): MR.N.Manoharan

For Respondent(s):

### **ORDER**

Challenging the impugned order passed by the learned trial Judge in I.A. No.15 of 2025 in O.S.No.467 of 2018, the defendants 13 to 16 has preferred this revision.

2. Before the trial Court, the plaintiffs filed an application seeking permission to exempt the bringing on record of the legal heirs of the deceased plaintiffs 1, 5, and 6. The said application was allowed by the learned trial Judge. Aggrieved by the same, the present revision has been filed.

3. On a perusal of the order of the trial Court, it is seen that the learned trial Judge, at the beginning of the order, observed that the petition was filed under Section 151 of CPC to reopen the case and to record the 14th plaintiff in the suit. However, on the contrary, I.A. No.15 of 2025 was filed seeking exemption from impleading the legal heirs. The learned trial Judge has not properly appreciated the contents of the affidavit and has erroneously allowed the application, which is evident on a prima facie reading of the order.

4. So far, no preliminary decree has been passed. In such circumstances, the legal heirs of the deceased are required to be impleaded, even if they



remained ex parte. Though the Court observed that there is no necessity to bring the legal representatives of the deceased under Order XXII Rule 4(4) CPC, the prayer itself has been wrongly appreciated by the Court below.

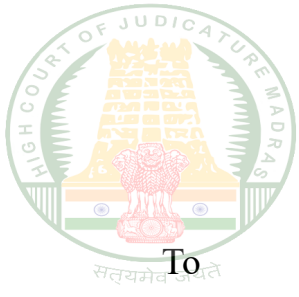
5. Admit. Issue notice to the respondents, returnable by 24.06.2026.

Private notice is permitted. Post the case on 24.06.2026.

6. The impugned order passed in I.A. No.15 of 2025 in O.S.No.467 of 2018, on the file of the II Additional District and Sessions Court, Tiruppur is stayed till then.

**20-04-2026**

Index:Yes/No  
Speaking/Non-speaking order  
Internet:Yes  
Neutral Citation:Yes/No  
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To

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1.II Additional District and Sessions  
Judge, Tiruppur.



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**T.V.THAMILSELVI J.**  
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