



WEB COPY

CRP No. 5374 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 5374 of 2025

AND

CMP NO. 27034 OF 2025

V.Chandra (died)

1. Maragathamani
W/o.Saravanan,
No.14/11, 1st Floor, Valliammal Street, Vepery,
Chennai - 600 007.
2. N.Sumathi
W/o.Nandagopal,
No.5 Somasundram Street, T Nagar, Chennai -
600 017.
3. P.T.Ravichandran
S/o.P.V.Thirunavukarasu,
No.57/119, Thyappa Mudali Street, Broadway,
Chennai - 600 001.

..Petitioner(s)

Vs

1. G.Ramu
S/o.Gopal Naicker,
No.10 vanniar Street, Old Pallvaram, Chennai -
600 043, Tambaram Tk., Kancheepuram Dist.

Pattammal (died)
2. I.Dakshinamoorthy
S/o.Indira Saba Naicker,
No.11 Karnam Street, Selaiyur, Chennai - 600
073, Tambaram Tk., Kancheepuram Dist .

**3. I.Sugumar**

S/o.Indira Saba Naicker,
No.11 Karnam Street, Selaiyur, Chennai - 600
073, Tambaram Tk., Kancheepuram Dist .

K.Vinayagam (died)

4. K.V.Sampath

S/o.K.Vinayagam,
No.11 Karnam Street, Selaiyur, Chennai - 600
073, Tambaram Tk., Kancheepuram Dist .

5. Manjula

D/o. K.Vinayagam,
No.11 Karnam Street, Selaiyur, Chennai - 600
073, Tambaram Tk., Kancheepuram Dist .

6. S.Rajesh Kanna

S/o.Sundaramurthy,
No.5 Chidambaram Street,
Vanuvampet,Chennai - 600091.

7. S.Revathy

W/o.R.Shankar,
No.2 Eswaran Koil Street, Selaiyur,
Chennai - 600 073.

..Respondent(s)

PRAYER

Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair and decretal order dated 13-08-2025 passed in IA.No.1 of 2023 in OS.No.352 of 2007, on the file of the District Munsif, Tambaram by allowing this CRP.

For Petitioner(s): Mr.RA.Gopinath

For Respondent(s): Mr.D.Baskar for R7
R1 -deceased
R2 To R5 No Such Person
R6 - No Appearance



ORDER

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Challenging the impugned order passed in I.A.No.1 of 2023 in O.S.No.352 of 2007 by the learned District Munsif, Tambaram, the Revision Petitioners/Proposed Plaintiffs 2 to 4 preferred this Civil Revision Petition.

2. Before the trial court, the Revision Petitioners filed an application under Order I Rule 10 of C.P.C. to implead themselves as plaintiffs 2 to 4 in the suit based on the Will said to be executed on 05.02.2019 by the original plaintiff Chandra and she died on 16.05.2021. The said application was contested by the defendants stating that the said application as such is not maintainable and proposed parties have not furnished the correct particulars and no reason assigned for the delay in filing the application. Considering their objections, the trial judge has refused to entertain the said application, as the application was not filed in proper manner and they have not taken steps to implead the legal heirs of deceased plaintiff within a stipulated time. Therefore, the suit was dismissed as abated. Accordingly, the application was also dismissed. Aggrieved over that, the revision petitioners/proposed plaintiffs have preferred this Civil Revision Petition.

3. The learned counsel for revision petitioners would submit that they ought to have filed the application under Order 22 Rule 3 of C.P.C. and they have to take steps to implead themselves as prescribed under Order 22 Rule 9 of C.P.C., on the other hand, they have filed the said application to implead



themselves by quoting wrong provision. So, the trial judge has dismissed the application holding that they have wrongly quoted the provision and so also, the particulars of deceased also not correctly furnished. He would further submit that they are ready to take steps to implead themselves by filing an application under Order 22 Rule 3 of C.P.C., for which he had sought for an opportunity.

4. The learned counsel for 7th respondent/9th defendant raised objections stating that in the alleged Will, there is no mentioning about the suit property, without which, the proposed parties are not entitled to file such application, besides, they have quoted the provision to implead themselves, which is also wrong one. Therefore, the trial judge has rightly dismissed the application, which requires no interference.

5. Heard and considered rival submissions made by learned counsel for revision petitioners as well as 7th respondent and perused the materials available on record.

6. On seeing the facts, it reveals that the original plaintiff filed the suit in O.S.No. 352 of 2007 for the relief of declaration and also for recovery of possession of suit property. She purchased the adjacent property comprised in Survey No.340/1A pending proceedings and subsequently, she died. According to the proposed parties, they are Class I legal heirs of the deceased plaintiffs, specifically they are legal heirs of sister of original plaintiff. They have claimed that based on the Will said to be executed on 05.02.2019, they are class I legal heirs of deceased plaintiff and they have also probated the Will through Probate



Order in O.P.No.772 of 2022. Now, they wanted to implead themselves, mistakenly they have filed an application under Order 1 Rule 10 of C.P.C.

However, the objections of the defendants is that they are not legal heirs of deceased plaintiff and the suit property was not mentioned in the Will. All are subject to proof of the Will and the recitals of the Will is to be proved as per manner known to law under Sec.68 of Indian Evidence Act. So, to implead themselves as plaintiffs in the suit would not confer any legal right over the property, since the proposed parties claimed to implead themselves based on the Will and the Will has to be proved as per manner known to law. Therefore, subject to the objections of defendants, liberty is granted to the Revision Petitioners to file appropriate application under Order 22 Rule 3 of C.P.C. to implead themselves as legal heirs of deceased plaintiff. On receipt of such application, the trial judge is directed to dispose the same on merit within a period of eight weeks, since the case is pending from the year of 2007. Liberty is granted to the respondents to take all their defence before the trial court including the genuineness of the Will as well as status of party. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected civil miscellaneous petition is closed.

16-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RPP
To
The District Munsif, Tambaram.



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T.V.THAMILSELVI J.

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