

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937**

**WP(C).No.21463 of 2007 (E)**  
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**PETITIONER'S:**  
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1. **BHAVANI,W/O.LATE KUNDOLI SIVAN @ SIVARAMAN,  
PERINGOTTUKARA DESOM,THEKKINKATTIL HOUSE,  
KIZHEKKUM MURI VILLAGE,THRISSUR TALUK.**
2. **SANDHYA @ AJITHA, D/O. LATE SIVAN, -DO- -DO-**  
  
**BY ADV. SRI.T.N.MANOJ**

**RESPONDENT'S:**  
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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY,  
DEPARTMENT OF LOCAL ADMINISTRATION.**
2. **THE REVENUE DIVISIONAL OFFICER,THRISSUR.**
3. **THE DEPUTY DIRECTOR OF PANCHAYATS,  
THRISSUR.**
4. **THE TAHSILDAR,TALUK OFFICE,THRISSUR.**
5. **THANKA,KOLLARA HOUSE,  
ANTHIKKAD VILLAGE & DESOM,  
THRISSUR TALUK.**
6. **JITH,S/O.THANKA,-DO- -DO-**
7. **SMITHA,D/O.THANKA,-DO- -DO-**

**R1 TO R4 BY GOVT. PLEADER SRI.MANOJ P.KUNJACHAN.  
R5 TO R7 BY ADVS.SRI.T.M.CHANDRAN  
SRI.JOSEPH ALBIN NEDUNTHALLY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

- EXT.P1: TRUE COPY OF THE ORDER IN MC CASE NO.28/1977 OF THE CHIEF JUDICIAL MAGISTRATE COURT AT THRISSUR.**
- EXT.P2: TRUE COPY OF THE BIRTH CERTIFICATE DATED 27.6.2005 FROM THE KATTOR GRAMA PANCHAYAT.**
- EXT.P3: RUE COPY OF THE PETITION FILED BY THE PETITIONERS BEFORE THE 3RD RESPONDENT.**
- EXT.P4: TRUE COPY OF THE ORDER DATED 18.1.2007 OF THE 3RD RESPONDENT.**

**RESPONDENT'S EXHIBITS:**

- EXT.R5(a):TRUE COPY OF THE CERTIFICATE OF MARRIAGE DATED 19.8.2004.**
- EXT.R5(b):TRUE COPY OF HEIRSHIP CERTIFICATE DATED 5.11.2002 ISSUED BY TAHSILDAR,TRICHUR.**
- EXT.R5(c):TRUE COPY OF CERTIFICATE DATED 1.10.2003 ISSUEWD BY VILLAGE OFFICER,ANTHIKKAD.**
- EXT.R5(d):TRUE COPY OF THE 3RD PAGE OF SSLC BOOK.**
- EXT.R5(e):TRUE COPY OF CERTIFICATE OF BIRTH OF RESPONDENT NO.7 DATED 27.10.77.**
- EXT.R5(f):TRUE COPY OF 3RD PAGE OF SSLC BOOK OF RESPONDENT NO.7.**
- EXT.R5(g):TRUE COPY OF JUDGMENT DATED 21.2.2006 IN O.S.NO.839/2004.**
- EXT.R5(h):TRUE COPY OF THE RELEVANT PORTION OF THE PASSPORT.**
- EXT.R5(i):TRUE COPY OF LETTER DATED 26.12.2005 OF THE DIRECTOR OF PANCHAYAT.**

**//TRUE COPY//**

**P.S. TO JUDGE**

**K. VINOD CHANDRAN, J.**

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W.P.(C) No. 21463 of 2007 (E)  
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Dated this the 4<sup>th</sup> day of June, 2015

**J U D G M E N T**

The above writ petition has been filed contending that the petitioners are the wife and daughter of one Sivaraman, who is no more. It is contended that the deceased husband of the 1<sup>st</sup> petitioner was living with the 5<sup>th</sup> respondent and after the death of the 1<sup>st</sup> petitioner's husband, respondents 5 to 7 have sought for issuance of a legal heirship certificate and the same was issued. The petitioners' objection, filed out of time, was considered and rejected by Ext.P4, against which the above writ petition is filed.

2. It is submitted on behalf of both contesting parties, through their counsel, that a civil dispute is pending between the parties with respect to the very same subject matter.

3. In such circumstance, necessarily the certificate if issued will have to concede to the orders passed by the Civil Court.

The writ petition would stand closed, leaving the parties to agitate their cause in the civil proceedings.

Sd/-  
K.VINOD CHANDRAN,  
JUDGE