



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2015

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.PD.(MD).No.245 of 2015

and

M.P.(MD) No.1 of 2015

Ramadoss ...Petitioner/2<sup>nd</sup> Respondent/2<sup>nd</sup> Defendant

Vs.

Rajagopalan (Died)

1.Susila ...1<sup>st</sup> Respondent/Proposed Party/Plaintiff

2.The Commissioner,  
Thoothukudi Corporation,  
Thoothukudi. ...2<sup>nd</sup> Respondent/1<sup>st</sup> Respondent./1<sup>st</sup> Defendant

Prayer : Civil Revision Petition under Article 227 of the Constitution of India, against the order dated 07.11.2014 made in I.A.No.1444 of 2014 in O.S.No.499 of 2011 on the file of the Principal District Munsif Court, Thoothukudi.

For Petitioner : Mr.M.Thilagar  
For Respondents : Mr.S.S.Thesigan for R1  
Mr.S.Saji Bino for R2

#### ORDER

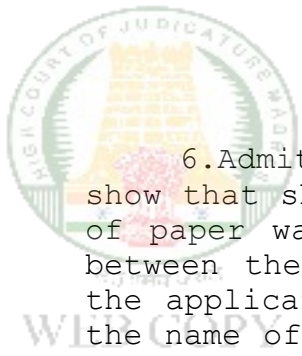
The Civil Revision Petition is directed against the order dated 07.11.2014 in I.A.No.1444 of 2014 in O.S.No.499 of 2011, recognizing the first respondent herein as the wife of the deceased plaintiff and permit her to be impleaded as the legal heir of the original plaintiff.

2.The civil suit in O.S.No.499 of 2011 was preferred by Thiru.Rajagopalan against the petitioner and the second respondent. Thiru.Rajagopalan prayed for the relief of mandatory injunction, directing the Thoothukudi Corporation to change the assessment. During the currency of the civil suit, Thiru.Rajagopalan died. The first respondent filed an application in I.A.No.1444 of 2014 to recognize her as the legal representative of the deceased. The first respondent contended that she was legally married to the deceased and as such, she is entitled to be impleaded as a party to the proceedings.

3.The learned Trial Judge allowed the said application. The order in I.A.No.1444 of 2014 is under challenge in this Civil Revision Petition.

4.Heard the learned counsel for the petitioner, the learned counsel for the first respondent and the learned standing counsel for the second respondent.

5.The first respondent filed an application in I.A.No.1444 of 2014 to recognize her as the legal heir of Thiru.Rajagopalan, who died during the currency of the civil suit.



6. Admittedly, the first respondent has not produced any document to show that she was married to Thiru. Rajagopalan. In fact not even a scrap of paper was produced before the Trial Court to prove the relationship between the deceased and the first respondent. The Trial Judge allowed the application only on the ground that the petitioner has not furnished the name of the wife of the deceased. I do not appreciate the reasoning given by the learned Trial Judge while allowing the application in I.A.No.1444 of 2014. The learned Trial Judge should have directed the first respondent to produce some evidence to prove her relationship with the deceased plaintiff. Such being the position, I am of the view that the matter requires fresh consideration by the learned Trial Judge.

7. In the result, the order dated 07.11.2014 made in I.A.No.1444 of 2014 is set aside and the matter is remitted for fresh consideration.

8. The first respondent is permitted to produce documents before the Trial Court to substantiate her claim that she was married to Thiru. Rajagopalan. The learned Trial Judge is directed to dispose of the matter in the light of the documents to be produced by the first respondent.

9. The Civil Revision Petition is allowed to the extent indicated above. No costs. Consequently, connected M.P.(MD) No.1 of 2015 is closed.

Sd/-

Assistant Registrar(CO)'

/True copy/

Sub Assistant Registrar

To

The Principal District Munsif Court, Thoothukudi.

+1cc to Mr.A.Sivaji, Advocate in SR.17249

+1cc to Mr.S.S.Thesigan, Advocate in SR.18089

C.R.P.PD. (MD) .No.245 of 2015  
and

M.P. (MD) No.1 of 2015  
07.04.2015

arul

pbk 20/04/2015 ::2p-4c: