



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

C.R.P. (PD) (MD) No.1256 of 2017

and

C.M.P. (MD) No.6130 of 2017

C.Marimuthu

...Petitioner

-vs-

Ramalakshmi Ammal (Died),

1.Laksmanaperumal

2.Venkatachalapathi

3.The Sub-Registrar,
The Sub-Registrar Office,
Sattur Taluk,
Virudhunagar District.

... Respondents

PRAYER: Civil Revision Petition is filed, under Article 227 of Constitution of India, to allow this Civil Revision Petition by setting aside the Order and decretal Order made in I.A.No.260 of 2016 in O.S.No.27 of 2014 dated 27.03.2017, on the file of the District Munsif Court, Sattur.

For Petitioner :Mr.M.Thirunavukkarasu

For R3 :Mr.V.Muruganandam

O R D E R

This Civil Revision Petition is directed against the Order made in I.A.No.260 of 2016 in O.S.No.27 of 2014 dated 27.03.2017, on the file of the District Munsif Court, Sattur.

2. O.S.No.27 of 2014 has been laid by the deceased Ramalakshmi Ammal for the reliefs of declaration, mandatory injunction and other appropriate reliefs. It is found that pending suit, Ramalakshmi Ammal died. Thereafter, Laksmanaperumal, S/o.Muthappa Goundar, who claims to have derived right through the Will dated 05.01.2016, laid petition in I.A.No.260 of 2016 to implead himself as second plaintiff and to prosecute the suit further. Lakshmana Perumal is the brother of deceased plaintiff Ramalakshmi Ammal. The said application was resisted by the revision petitioner/defendant contending that the alleged Will dated 05.01.2016, said to have been executed by the deceased plaintiff Ramalakshmi Ammal is a forged and concocted document. Considering the rival contentions of the parties, the lower Court was pleased



to allow the application to implead. Against the said order, the present Civil Revision Petition is preferred.

3. The main contention of the revision petitioner is that the Will dated 05.01.2016 alleged to have been executed by the plaintiff / Ramalakshmi Ammal, is forged one. Therefore, unless the genuineness and execution of the Will by the deceased plaintiff is proved, the proposed plaintiff who stake claim on the basis of the Will cannot be impleaded and contest the suit. It is also contended that when there are other direct heirs of the deceased plaintiff, merely relying upon the Will dated 05.01.2016, the Trial Court ought not to have allowed the application to implead.

4. As rightly observed by the Trial Court in the impugned order, the proposed plaintiff vide alleged Will dated 05.01.2016 has been given right to pursue the suit on the death of Ramalakshmi Ammal and he has been given right over the residuary properties of the deceased plaintiff. Further, the genuineness and legality of the alleged Will can be tested during trial wherein, the revision petitioner can very well put forth evidence, to disprove the Will dated 05.01.2016. Therefore, by impleading the proposed plaintiff, no prejudice will be caused.

5. In the light of the foregoing reasons it is found that the Lower Court has rightly considered the merits of the application in the right perspective both factually and legally. Hence, there is no reason to interfere with the order of the Trial Court.

6. Resultantly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/ True Copy /

Sub Assistant Registrar(C.S.)

To:

The District Munsif, Sattur.

+1cc to M/S.M.THIRUNAVUKKARASU, Advocate SR.No.63439

+1cc to Special Government Pleader, SR.No. 63998

mm/sss

MAS/GT/SAR2:25.07.2017:2P-4C

C.R.P. (PD) (MD) No.1256 of 2017
and

C.M.P. (MD) No.6130 of 2017
05.07.2017