

HON'BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.6821 of 2017

ORDER:

Heard and perused the grounds of revision and the impugned order dated 05.07.2017 of the lower Court in I.A.No.722 of 2014 in O.S.No.683 of 2012 and other material on record.

The revision petitioners are the defendants in O.S.No.683 of 2012 filed by the sole plaintiff Smt. R.Pramilabai. The proposed plaintiffs, who sought for impleadment in I.A.No.722 of 2014 within 90 days of her death, are claiming as children of Pramilabai. In fact, the husband of Pramilabai also shown originally, however pending the application he died and the 2 daughters and the son who are impleaded by the impugned order of the lower Court dated 05.07.2017 are also representing his estate on record, thereby the lower Court by virtue of that order allowed them to come on record being the legal heirs of sole plaintiff Pramilabai and her late husband Sudharshan, who are shown in the cause title as revision respondent Nos.1 & 2 since died.

The impugment in the revision is that the lower Court from the documents filed by the petitioners even did not properly consider which reflect that they are not legal heirs and their ages with the ages of the deceased to correlate as children not tallying. The order of the lower Court is very clear particularly from the Para 5 of the impugned order, the death certificate and ration card reflects their names and the school certificate also shows the father's name besides the passport and documents shows they

are the children of the deceased. Once such is the case, there is nothing to interfere for this Court by sitting in revision, but for any defence of the defendants if they are not legal heirs to succeed to claim the suit reliefs are left open by raising as defence in the additional written statement by virtue of this order to decide by framing any specific issue on that also, for not a case of there is testamentary succession of the deceased by any other third party for any such further adjudication in the legal representative application.

Having regard to the above and in the result, the Civil Revision Petition is disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

Date: 13.12.2017
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JUSTICE Dr. B.SIVA SANKARA RAO

