

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP(PD).No.3547 of 2016  
and CMP.No.18038 of 2016

D.Sekar

.. Petitioner

Vs

T.Dekshinamoorthy(died)  
1.D.Manivannan  
2.D.Kamalakannan

.. Respondents

**PRAYER**

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 13.07.2016 passed by the learned District Munsif, Tiruvarur in IA.No.182 of 2016 in OS.No.38 of 2006.

For Petitioner : Mr.K.Soundararajan

For Respondents : Mr.D.Balaraman for R1 & R2

**ORDER**

According to the revision petitioner, the respondents have filed an application in IA.No.182 of 2016 in OS.No.38 of 2006 before the District Munsif Court, Tiruvarur to bring the LR's of the revision

petitioner's brother, Selvaraj as party in the suit proceedings. According to the respondents, they were not aware of the death of the revision petitioner's brother and it is for the revision petitioner to file the death certificate and the legal heir certificate before the court below to bring the LR's of the deceased Selvaraj. The revision petitioner has objected stating that since the certificates are not available with him, the respondents can approach the concerned authority and obtain the same. But without considering the contentions of the revision petitioner, the court below has allowed the application by directing the revision petitioner to furnish the certificates within 15 days to the respondents, which is unsustainable and the order of the court below is liable to be set aside.

2. The learned counsel for the respondent would submit that the revision petitioner, being the brother of the deceased Selvaraj, can furnish the certificates so as to enable the respondents to file an appropriate application before the court below.

3. Heard learned counsel for the revision petitioner and the learned counsel for the respondents and perused the materials available on record.

4. By considering the facts and circumstances of the case and the submissions of the both parties, the respondents can approach the authority concerned in the manner known to law to obtain the particulars of the legal heirs of the deceased Selvaraj, when the revision petitioner has particularly denied to furnish the said particulars. Therefore, the order passed by the court below is set aside. However, it is open to the respondents to file an appropriate application before the authority concerned to obtain the said certificates.

5. The Civil Revision Petition is allowed with above observations. Consequently, the connected miscellaneous petition is closed. No costs.

05.02.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

lok

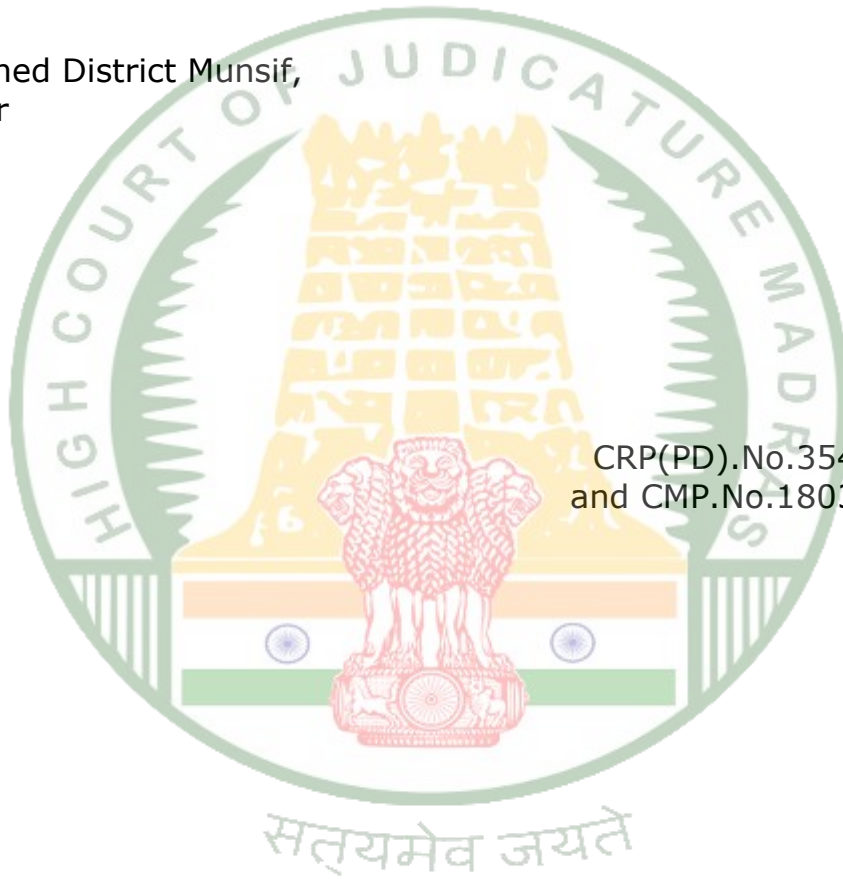
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**D. KRISHNAKUMAR J.,**

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To

The learned District Munsif,  
Tiruvavarur



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