



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 23.03.2018

CORAM

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.O.P. (MD) No.16336 of 2013

and

M.P. (MD) No.1 of 2013

Venkatachalapathy ... Petitioner/3rd Respondent
Vs.

1.Guruvammal ... 1st Respondent/Petitioner

2.The Tahsildar,
Sankarankovil,
Tirunelveli District.

3.The Sub-Registrar,
Sankarankovil,
Tirunelveli District.

... Respondents 2 & 3/
Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 24.07.2013, passed in Crl.R.C.No.13 of 2013, on the file of the III Additional Sessions Court, Tirunelveli.

For Petitioner : Mr.R.J.Karthick

For R1 : Mr.S.Ramasamy

For R2 & R3 : Mr.A.Robinson
Government Advocate (Crl. side)

ORDER

The petitioner herein is the third respondent in Crl.R.C.No.13 of 2013 on the file of the III Additional Sessions Court, Tirunelveli. This Criminal Original Petition has been filed by the petitioner seeking the relief to set aside the order dated 24.07.2013, passed in the abovesaid Criminal Revision Case by the learned III Additional Sessions Judge, Tirunelveli.

2.Initially, in the year 2010, the first respondent herein filed an application in Cr.M.P.No.1789 of 2010 under Section 13(3) of the Registration of Births and Deaths Act, seeking the relief to register the death of her brother Gurusamy, S/o.Thavasi Naicker, who died on 10.10.1992, in the Register maintained by the third respondent herein. After elaborate enquiry, the learned Judicial Magistrate, Sankarankovil, vide order dated 07.02.2013, dismissed the said application with liberty to file an application before the Sessions Court, Tirunelveli. Aggrieved over the same, the first respondent herein has preferred Crl.R.C.No.13 of 2013 before the III Additional Sessions Court, Tirunelveli, for setting aside the order dated



07.02.2013, passed by the learned Judicial Magistrate, Sankarankovil.

3.The learned III Additional Sessions Judge, Tirunelveli, vide her order dated 24.07.2013, allowed the said Criminal Revision Case, setting aside the order passed by the learned Judicial Magistrate, Sankarankovil and directed the third respondent herein to register the death of the brother of the first respondent viz., Gurusamy, S/o.Thavasai Naicker, at his house on 10.10.1992. Aggrieved over the order passed by the learned III Additional Sessions Judge, Tirunelveli, the petitioner, who is the Objector in the application filed by the first respondent, has preferred this Criminal Original Petition, seeking to set aside the order dated 24.07.2013, passed by the learned III Additional Sessions Judge, Tirunelveli.

4.Today, when the matter is taken up for hearing, the learned counsel appearing for the first respondent submitted that already on 20.11.2013 itself, the death of T.Gurusamy, has been registered in the appropriate Register maintained by the third respondent herein. Further, he has also produced a copy of the Death Certificate issued by the third respondent herein.

5.On a perusal of the materials available on record, it is seen that this Criminal Original Petition has been filed by the petitioner on 17.09.2013 and when the same is pending, on 20.11.2013, the third respondent herein has registered the death of the said Gurusamy. Since the prayer sought by the first respondent has already been granted, the prayer sought by the petitioner has become infructuous. Accordingly, this Criminal Original Petition is dismissed with liberty to challenge the Death Certificate, dated 20.11.2013, issued by the Sub-Registrar, Sankarankovil, with regard to registration of death pertaining to the said T.Gurusamy, S/o.Thavasi Naicker, residing at Old No.4/32, Middle Street, Alamanaickerpatti, A.Karisalkulam Village, Sankarankovil Taluk. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

1.The III Additional Sessions Judge,
Tirunelveli.

2.The Tahsildar,
Sankarankovil,
Tirunelveli District.



3.The Sub-Registrar,
Sankarankovil,
Tirunelveli District.

WEB COPY

+1cc to Mr.R.J.Karthick, Advocate, SR.No. 57699

Cr1.O.P. (MD) No.16336 of 2013
23.03.2018

SMN2

KK/SKN RSK/04.04.2018/SAR-4/3P-5C