

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

C.R.P.(PD).No.4364 of 2013
and M.P.No.1 of 2013

Sri Amirutha Malini

... Petitioner

Vs.

1.Visalakshi

2.Rukmani

3.Sathia Bama

4.Nagarathinam

5.K.G.N.Subramaniam

K.G.N.Ponnambalam (Died)

6.Geethalakshmi

7.K.P.Mohanapriya

8.Minor P.Kanimozhi
rep by next friend and mother
Geethalakshmi

... Respondents

Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and final orders dated 20.09.2013 passed in I.A.No.341 of 2012 in O.S.No.81 of 2005 on the file of the Subordinate Judge, Gobichettipalayam.

For Petitioners : Mr.R.Nalliyappan

For Respondents : No appearance

ORDER

Challenging the fair and final order passed in I.A.No.341 of 2012 in O.S.No.81 of 2005 on the file of the Subordinate Court, Gobichettipalayam, the proposed party has filed the above Civil Revision Petition.

2.The plaintiffs/respondents 1 to 4 filed the suit in O.S.No.81 of 2005 for partition and other reliefs. The defendants filed the written statement and are contesting the suit. In the said suit, the revision petitioner, who is the daughter of the 1st defendant, filed an application in I.A.No.341 of 2012 under Order 1 Rule 10 of the Civil Procedure Code to implead herself as the 3rd defendant in the suit. The petitioner claimed right in respect of the property by virtue of an alleged Will dated 06.06.1992 executed in her favour by one K.G.Natarajan, who is the father of the defendants. The plaintiffs filed their counter disputing the genuineness of the Will. In order to establish the genuineness of the Will, the petitioner examined herself as P.W.1. The attesor was examined as P.W.2 and the scribe viz., her Advocate was examined as P.W.3. However, the petitioner failed in her attempt to prove the genuineness of the Will before the trial Court. Hence, the trial Court came to the conclusion that the alleged Will dated 06.06.1992 is not true and genuine.

3.Since the petitioner had claimed right in respect of the suit properties only by virtue of the said Will, the trial Court has dismissed the application and refused to implead her as the 3rd defendant. When the petitioner had examined P.Ws.2 & 3, who failed to establish the genuineness of the Will and when the trial Court had conducted trial in respect of the said Will as contemplated under the Evidence Act, I do not find any reason to interfere with the order passed by the trial Court. In such view of the matter, the Civil Revision Petition is devoid of merits and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

23.09.2019

To

1.The Subordinate Judge, Gobichettipalayam.

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C.R.P.(PD).No.4364 of 2013

M.DURAISWAMY,J.

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