

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

C.R.P.(PD) No.3488 of 2019

1.Jayaraman
2.Chinnapattu

... Petitioners

Vs.

1.Tamilselvi
2.Sivagami
3.Vijayaraj
4.Mahalingam
5.Kolandaiamma @ Lakshmi

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India praying to set aside the orders of the learned District Munsif of Harur dated 02.08.2019 in I.A.No.287 of 2019 in O.S.No.175 of 2013.

For Petitioners : Mr.V.Nicholas

ORDER

This revision petition has been filed against the fair and decretal order passed in I.A.No.287 of 2019 in O.S.No.175 of 2013 by the District Munsif, Harur, by order dated 02.08.2019.

2.Before the trial Court, the revision petitioners/defendants 4 and 6 filed the present application under Order XVI Rule 3 read with Section 151 C.P.C. to summon the Tahsildar of Tiruvannamalai Taluk and Commissioner for Tiruvannamalai Municipality, through them, they wanted to mark documents, such as, death certificate of one Rajammal and legal heir certificate of her, who is none other than the mother of the plaintiffs. The said application since has been rejected, through the impugned order by the trial Court, the present revision has been filed.

3.I have heard Mr.V.Nicholas, learned counsel appearing for the revision petitioners, who would submit that, Rajammal claimed to be the wife of one Rangasamy, according to the plaintiffs, being a legal heir of Rangasamy, whereas it is the definite case of the defendants/ revision petitioners that, the defendants 4 to 6 are the legal heirs of that Rangasamy, as the 6th defendant is one of the wife of Rangasamy, 5th defendant is the daughter of Rangasamy and 4th defendant is the son of Rangasamy. The defendants 4 to 6, as per the plaint averment, are strangers to the Rangasamy's family. Therefore,

in order to prove the said case, these documents have to be marked through the officers who have issued those documents.

4. When specifically asked by this Court whether these documents viz., legal heir certificate and death certificate are available, which are going to be marked by the revision petitioners, the learned counsel for the revision petitioners would submit that, those documents are not available.

5. It is the suit filed by the plaintiffs and it is for them to prove the case, for which, they only have to file necessary documents to prove their case whether they are the legal heirs of deceased Rangasamy, through the deceased Radhakrishnan and deceased Rajammal. In this context, without even having any documents in their hands, the defendants cannot seek for permission of the Court to summon the Tahsildar of Tiruvannamalai Taluk and the Commissioner of Tiruvannamalai Municipality to depose and through them, the documents, that is, legal heir certificate and death certificate have to be marked, but, admittedly no such documents are available at the hands of the revision petitioners/defendants.

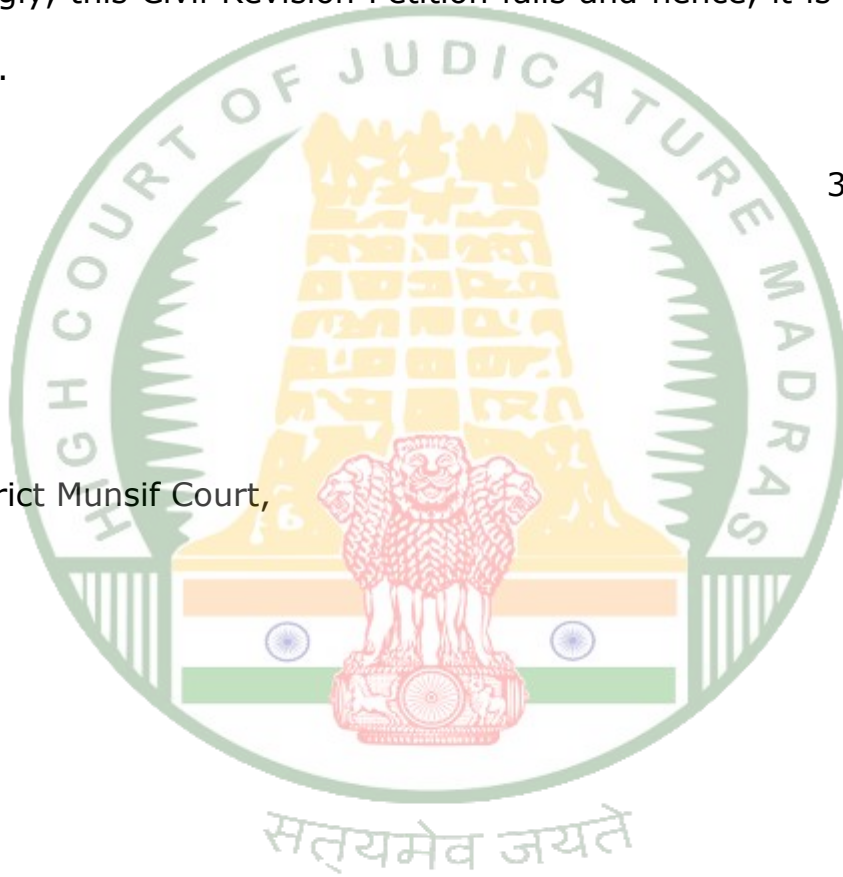
6. Therefore, this Court feels that, this application cannot be entertained and therefore, it has been properly decided by the trial Court, by rejecting the same through the impugned order, which does not require any interference from this Court in this revision. Accordingly, this Civil Revision Petition fails and hence, it is dismissed. No costs.

Sgl

30.10.2019

To

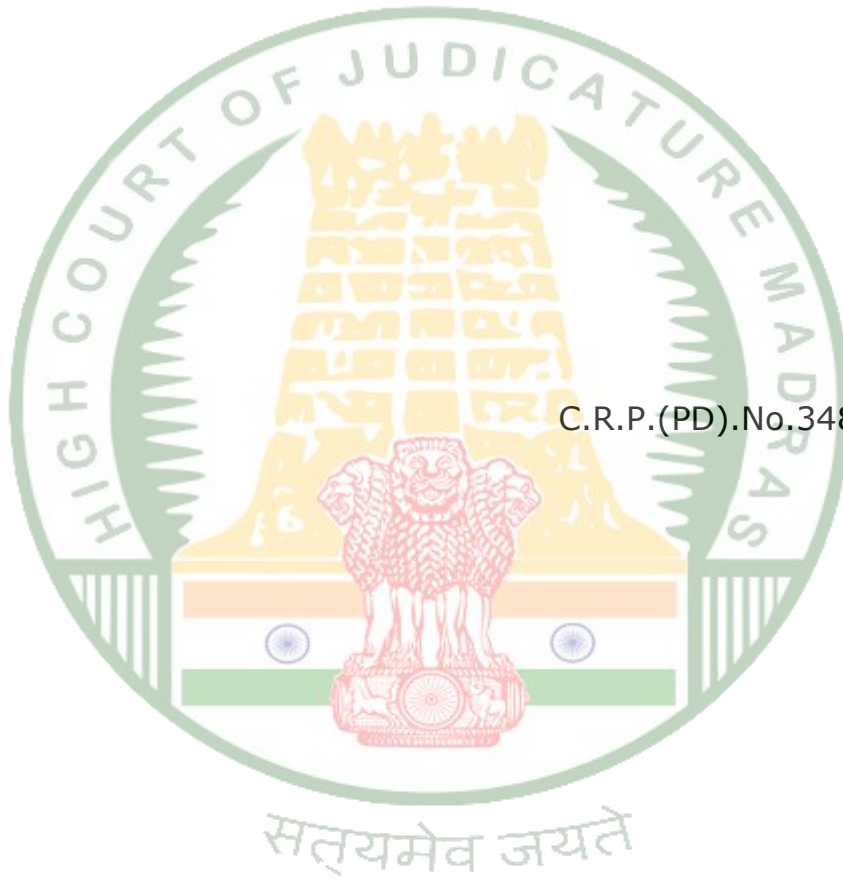
The District Munsif Court,
Harur.



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R.SURESH KUMAR, J.
Sgl



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