

C.S.No.555 of 2017

M.SUNDAR.J.,

Read this in conjunction with and in continuation of earlier proceedings of this Court dated 02.12.2019, which reads as follows:

'There are four plaintiffs and five defendants in this suit.

2. To be noted, first plaintiff S.Padmini died pending suit and plaintiffs 2 to 4 were brought on record as her legal heirs. Likewise first defendant S.Vidya died pending suit.

3. Crux and gravamen of this suit is rival claims of aforesaid deceased first plaintiff S.Padmini and deceased first defendant S.Vidya to the estate of one R.Srinivasan, who died on 09.09.2005. While the deceased first plaintiff S.Padmini claims that she is the daughter of Smt.Valli, known as Valliammal, who according to plaintiffs is wife of late R.Srinivasan, it is the case of the first defendant late S.Vidya, that she is the wife of late R.Srinivasan [marriage according to her had taken place on 15.09.1985 and registered in the jurisdictional Registrar Office].

4. Instant suit has been filed with a prayer for declaration that S.Padmini is absolutely entitled to the estate of late R.Srinivasan with other dovetailed prayers for delivery of vacant possession, rendition of accounts etc.,

5. It appears that the first defendant S.Vidya had obtained a legal heir certificate qua R.Srinivasan on 08.12.2005 and the same was cancelled by the jurisdictional Tahsildar by an 'order dated 31.01.2006 bearing reference No.D1/38167/2005'

(hereinafter 'impugned order' for clarity). First defendant had filed a writ petition in this Court in W.P.No.5453 of 2006 assailing the impugned order. The writ petition is dated 15.02.2006 and is therefore, prior in point of time qua instant suit. Be that as it may, this writ petition has been tagged with this suit and listed before this Court today by the Registry.

6. To be noted, legal heirs of late S.Padmini are pursuing the suit and Mr.N.Seshadri, learned counsel for plaintiffs 2 to 4 is before this Court. No representation for defendants 2 to 5. For completion of facts, it is noticed that defendants 2 and 3 are Bank Managers where certain deposits of late R.Srinivasan lie.

7. Reverting to the listing, it appears that it is pursuant to proceeding dated 05.06.2014 made by Hon'ble Justice K.K.Sasidharan directing the matter to be placed before him after obtaining the orders from then Hon'ble Acting Chief Justice and thereafter, an order (on the administrative side) has been obtained by the Registry from Hon'ble Justice Satish K.Agnihotri on 05.08.2014. While Hon'ble Justice Satish K.Agnihotri was Acting Chief Justice of this Hon'ble High Court on 05.06.2014 when Hon'ble Justice K.K.Sasidharan made the aforesaid proceedings/order on 05.06.2014 and continued to be Hon'ble Acting Chief Justice till 25.07.2014, a regular Chief Justice (Hon'ble Justice Mr.Sanjay Kishan Kaul) assumed office on 26.07.2014. To be noted, tagging order (as mentioned supra) has been made by Hon'ble Justice Satish K.Agnihotri on 05.08.2014 thereafter. Thereafter, another Hon'ble Single Judge before whom, the suit was placed (Hon'ble Justice Dr.Anita Sumanth)

had also directed the matter be placed before Hon'ble Chief Justice vide proceedings dated 06.09.2018, but has modified the same subsequently on 12.09.2018.

8. Registry to put up a note stating with clarity and specificity about the orders regarding tagging of instant suit and W.P.No.5453 of 2006.

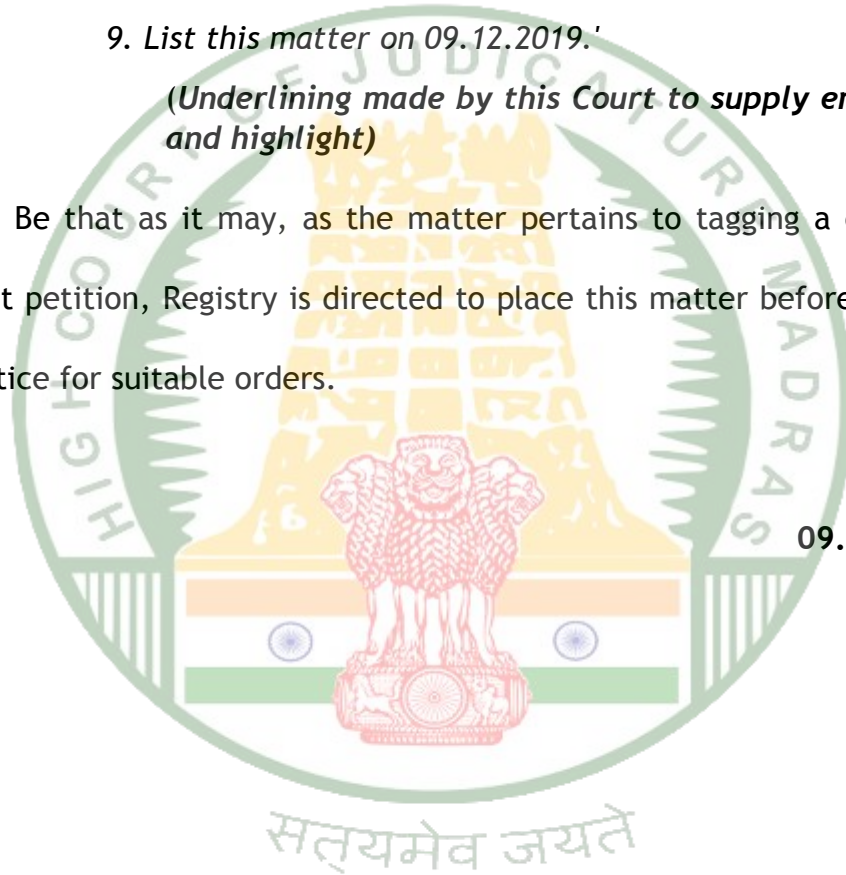
9. List this matter on 09.12.2019.'

(Underlining made by this Court to supply emphasis and highlight)

Be that as it may, as the matter pertains to tagging a civil suit and a writ petition, Registry is directed to place this matter before Hon'ble Chief Justice for suitable orders.

gpa

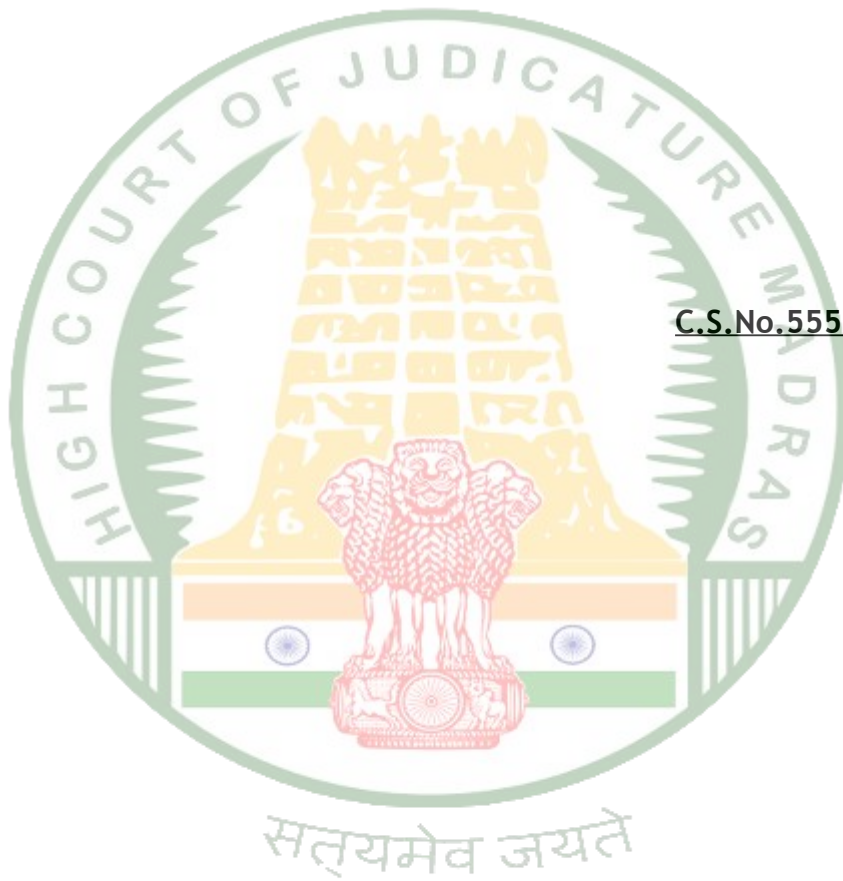
09.12.2019



WEB COPY

M.SUNDAR.J.,

gpa



C.S.No.555 of 2017

WEB COPY

09.12.2019