

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2020

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

C.R.P(PD).No.93 of 2020

M. Paneer Selvam

...

Petitioner

Vs.

1. M. Shanmugam

2. Vijayalakshmi

3. Muthukumar

4. Nirmala Devi

5. Lakshmi Priya

6. P. Vasantha

7. M.Kumudha

...

Respondents

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PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India to issue necessary direction to Hon'ble Principal District Judge at Chengalpattu to take file of the O.P.Sr.No.5470 of 2019 dated 25.09.2019 and issue due notice to the respondents in accordance with law.

For Petitioner : Mr. A. Prabhakaran

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned Principal District Judge, Chengalpattu to take the probate O.P. filed by the petitioner on file.

2. The petitioner filed an O.P. to Probate the Will said to have executed by the mother in favour of the petitioner. According to the petitioner, the deceased mother have 3 sons and two daughters, out of which, second son, namely Mani died and the legal heirs of the deceased Mani, namely, wife and 3

children were already shown as party respondents 2 to 5 in the petition and except the above 3 persons, there is no other legal heirs for the deceased. However, the Court below returned the application directing the petitioner to produce the legal heir certificate of the deceased Mani. According to the petitioner, since they are not in taking terms with them, he is not in a position to get the legal heir certificate of the deceased Mani. However, if any other legal heir has to be impleaded, the petitioner is ready to implead them as a party respondent in the O.P in future.

3. Considering the circumstance that the legal heirs of the deceased Mani have been shown as respondents and the petitioner also undertook to implead any other other legal heirs available for the deceased Mani, the trial Court is directed to number the Probate O.P.

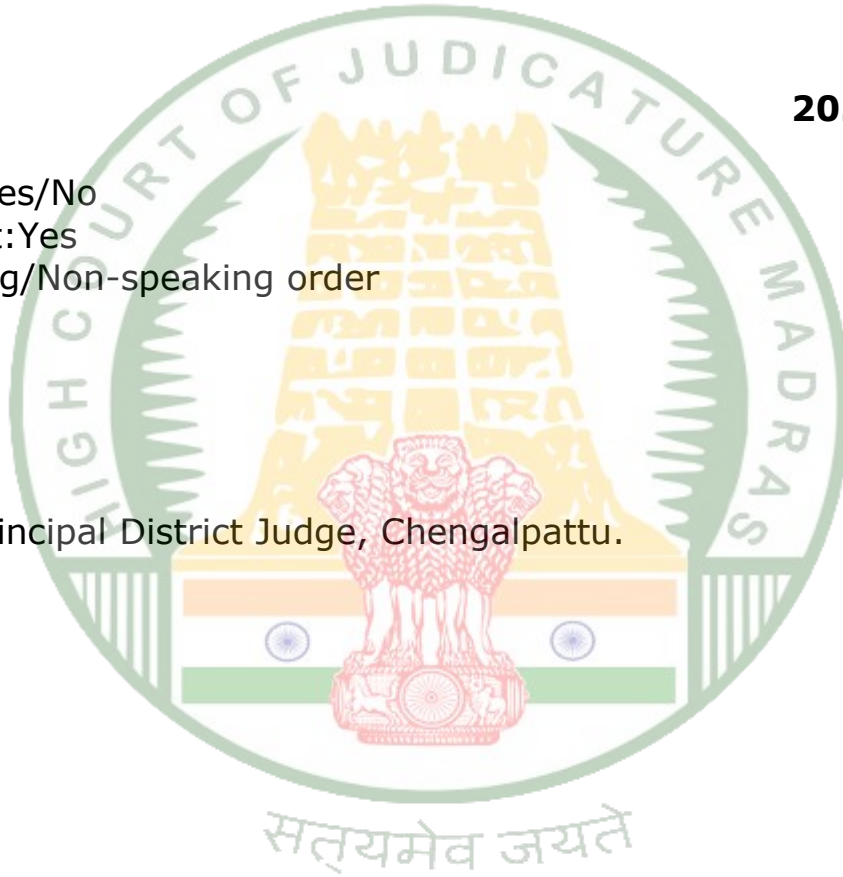
4. With the above directions, the Civil Revision Petition is disposed of. No costs. Registry is directed to return the original application to the petitioner.

20.01.2020

Index:Yes/No
Internet:Yes
Speaking/Non-speaking order
mrp

To

The Principal District Judge, Chengalpattu.



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V.BHARATHIDASAN, J

mrp



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