



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P(MD)No.13497 of 2020

S.Jayalakshmi

Petitioner

Vs

1.Sujatha

2.P.Arumugam

Head Clerk

District Munsif Court,

Trichy.

Respondents

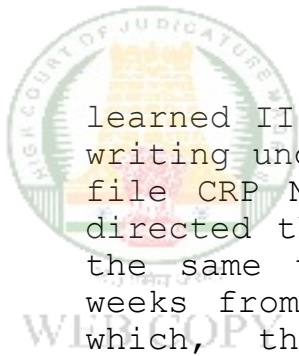
PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, to direct the learned Judicial Magistrate No.II, Trichy to expedite the trial and dispose of the case in CC No.955 of 2020 on its file, within a stipulated time.

For Petitioner : Mr.M.Subash Babu

O R D E R

This petition has been filed to direct the learned Judicial Magistrate No.II, Trichy, to expedite the trial and dispose of the case in CC No.955 of 2020 on its file, within a stipulated time.

2.The learned counsel for the petitioner would submit that the petitioner is the legally wedded wife of Late.S.Subramanian and they were blessed with four daughters. The said Subramanian died on 17.11.2016, leaving behind the petitioner and their four daughters as his legal heirs. While applying for the Legal heir certificate, the petitioner came to know that the first respondent also claiming herself and her son Sureya as the legal heirs of the late Subramanian. Hence, the petitioner and her daughters have filed a suit in O.S.No.420 of 2017, before the Principal District Munsif Court, Tiruchirappalli praying to declare that they are the only legal heirs of the deceased Subramanian. On the other hand, the first respondent also filed a suit in O.S.No.525 of 2017, before the II Additional District Munsif Court, Tiruchirappalli that she and her only son Sureya are the only legal heirs of the deceased Subramanian. To support her claim, the 1st respondent had enclosed the copy of the birth certificate of Sureya, who was said to be the only son of the 1st respondent. When the petitioner attempted to get the birth certificate of the said Sureya, through the Sub-Registrar, Thiruverumbur and also through RTI Act, she got the replies stating that there is no registration of birth of the above said Sureya born to Sujatha through Subramanian. Hence, the petitioner had filed I.A.No.122 of 2018 before the District Munsif Court, Tiruchirappalli, wherein the 1st respondent admitted that the birth certificate is not a genuine one and the learned Judge recommended to take action against her as per section 340 of Cr.P.C. Since, the



learned II Additional District Munsif failed to make a complaint in writing under Section 340 (1) (b), the petitioner was constrained to file CRP No.674 of 2020 and this Court by order dated 24.09.2020 directed the learned Judge to make a complaint in writing and send the same to the Jurisdictional Magistrate, within a period of 3 weeks from the date of receipt of a copy of that order, based on which, the complaint was forwarded to the learned Judicial Magistrate No.II, Trichy and the same was taken cognizance on file in CC No.955 of 2020 and the case was called on 29.10.2020 and adjourned to 18.01.2021 for issue of service. The grievance of the petitioner herein is that, for getting her legal heir Certificate, she was running pillar to post. The case in CC.No.955 of 2020 was adjourned after 3 months, merely for the sake of issue of summons, though the respondent is residing in Trichy only. Hence, the petitioner has come before this Court, with the present Criminal Original Petition with a prayer for earlier disposal of the case.

3.Heard the learned Counsel for the petitioner and perused the documents available on record. Considering the facts and circumstances of the case and also taking into consideration that the petitioner is a widow, there shall be a direction to the learned Judicial Magistrate No.II, Trichy to expedite the trial and dispose of the case in CC No.955 of 2020, within a period of four months from the date of receipt of a copy of this order.

4.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1.The Judicial Magistrate No.II, Trichy

2.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.M.Subash Babu,Advocate,SR.No.23482 dated 01.12.2020

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SGS(CO)

KB(11.01.2021) 2P 4C

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