

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.3258 of 2016
and CMP.No.16505 of 2016

Mohana

..Petitioner

Vs.

1.Kamatchi

2.The Finance Advisor,
CAO/S&W/PER,
Southern Railway,
Chennai - 600 023

3.The Deputy Finance Advisor,
CAO/S&W/PER,
Southern Railway,
Chennai - 600 023

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 17.11.2015 made in IA.No.11806 of 2015 in OS.No.2985 of 2012 on the file of XI Assistant Judge, City Civil Court at Chennai.

For Petitioner : Mr.K.Nagarajan

For Respondents

For R1 : Mr.V.Manisekaran

For R2 & 3 : Mr.P.T.Ramkumar

ORDER

This civil revision petition is directed as against the fair and

decreetal order dated 17.11.2015 made in IA.No.11806 of 2015 in OS.No.2985 of 2012 on the file of XI Assistant Judge, City Civil Court at Chennai thereby allowing the petition to receive the documents from the third defendant.

2. The petitioner is the plaintiff who filed suit for injunction restraining the second and third respondents not to disburse the pension and employment payment order to the first respondent herein and also mandatory injunction directing the respondents 2 and 3 to recover the amount paid to the first respondent herein.

3. On perusal of the written statement, the third defendant categorically stated that in OP.No.55 of 1993 on the file of the Sub Court, Tiruchirapalli, the deceased V.Santhanam, i.e. the husband of the petitioner herein filed divorce petition and the same was decreed in his favour by the decree dated 08.04.1994. Thereafter, the deceased V.Santhanam got married the first respondent herein. Thereafter he died on 18.04.2000 leaving behind the first respondent, her sons and mother as legal heirs. Thereafter, the first respondent applied for death certificate of the deceased V.Santhanam. The first respondent failed to produce all

those documents along with the written statement. While pending the suit, the first respondent filed petition to receive the documents as follows:

1. 13.12.1991 – letter sent by petitioner herein
2. 31.03.1995 – letter sent by V.Santhanam to the respondents 2 & 3
3. - Railway medical attendance Identity Card issued in favour of the first respondent herein
4. 02.06.2010 – death certificate of Santhanam
5. 24.05.2011 – Legal heir certificate of Santhanam
6. - SBI Bank Joint account

4. On perusal of those documents revealed that the letter dated 13.12.1991 sent by the petitioner herein to the deceased V.Santhanam and the letter sent by the deceased V.Santhanam to his employer and others are death certificate, legal heir certificate and the bank account stands in the name of the deceased V.Santhanam and the first respondent herein. If these documents are allowed to be received, there is absolutely no prejudice would be caused to the petitioner herein. The petitioner has to prove her case on her own by production of documents. Further, the petitioner has got opportunity to cross examine the first respondent pertaining to the documents marked by the first respondent herein.

Therefore, the court below rightly allowed the petition and this Court finds no infirmity or irregularity in the order passed by the court below.

5. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

05.03.2021

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



WEB COPY

To

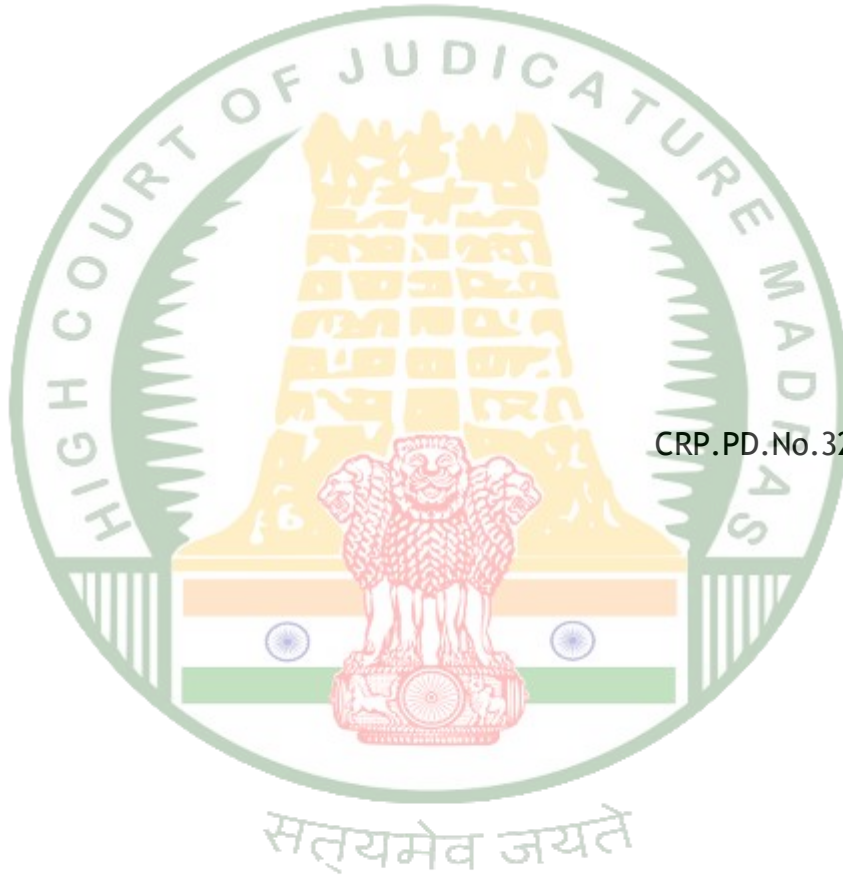
The XI Assistant Judge,
City Civil Court at Chennai



WEB COPY

G.K.ILANTHIRAIYAN,J.

lok



CRP.PD.No.3258 of 2016

WEB COPY

05.03.2021