

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD).No.3384 of 2017

and

C.M.P.Nos.7732 & 15796 of 2017

1.V.Pachiappan

2.V.Kanniappan

.. Petitioners

Vs.

Amsa

.. Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the petition and order dated 08.08.2017 passed in I.A.No.762 of 2017 in O.S.No.271 of 2017 on the file of the District Munsif Court, Poonamallee.

For Petitioners : Mr.R.Chandrasudan

For Respondent : Mr.V.Raghupathi

ORDER

(The matter is heard through “Video Conferencing/Hybrid Mode”.)

The petitioners are defendants in O.S.No.271 of 2017 on the file of the

District Munsif Court, Poonamallee. The respondent filed the said suit for permanent injunction restraining the petitioners and their men from interfering with the peaceful possession and enjoyment of the suit schedule property. Pending suit, the respondent filed I.A.No.762 of 2017 for ad-interim injunction. Exparte ad-interim injunction was granted.

2.The present Civil Revision Petition is filed by the defendants against the order granting ad-interim injunction in I.A.No.762 of 2017 in O.S.No.271 of 2017 filed by the respondent herein. Pending Civil Revision Petition, the respondent died. The legal representatives of the respondent herein viz., V.Ammu and A.Srinivasan filed C.M.P.No.7732 of 2021 to bring them on record as legal representatives of the sole respondent in C.R.P. According to petitioners in C.M.P., they are the legal representatives of the deceased respondent based on the Registered Will dated 04.10.2016. According to petitioners in C.M.P., the property belonged to husband of the deceased respondent in C.R.P. The respondent and her husband had no children. The husband of the deceased respondent died. The petitioners in C.M.P.No.7732 of 2021 are the children of brother of the husband of the deceased respondent. The respondent executed the Registered Will dated 04.10.2016 bequeathing

the suit property to the petitioners in C.M.P. and submitted that they are the only legal representatives of the respondent. They are entitled to the suit property. The petitioners in C.M.P. produced copy of the Will, death certificates of respondent, her husband and legal heirship certificate of the husband of the respondent.

3.The learned counsel appearing for the revision petitioners / respondents in C.M.P. opposed the said application and submitted that petitioners in C.M.P.No.7732 of 2021 are not the legal representatives of the deceased respondent. In view of death of sole respondent, learned counsel appearing for the petitioners sought permission to withdraw the Civil Revision Petition.

4.The learned counsel appearing for the respondents / petitioners in C.M.P.No.7732 of 2021 submitted that the proposed parties already filed application to bring them on record as plaintiffs in the suit and the learned counsel appearing for the petitioners in C.R.P. herein took time for filing counter in the said application.

5.Recording the above said submissions, this Civil Revision Petition is dismissed as withdrawn. It is open to the parties to agitate their claim before the Trial Court by producing documents. Consequently, the connected Miscellaneous Petitions are closed. No costs.

06.10.2021

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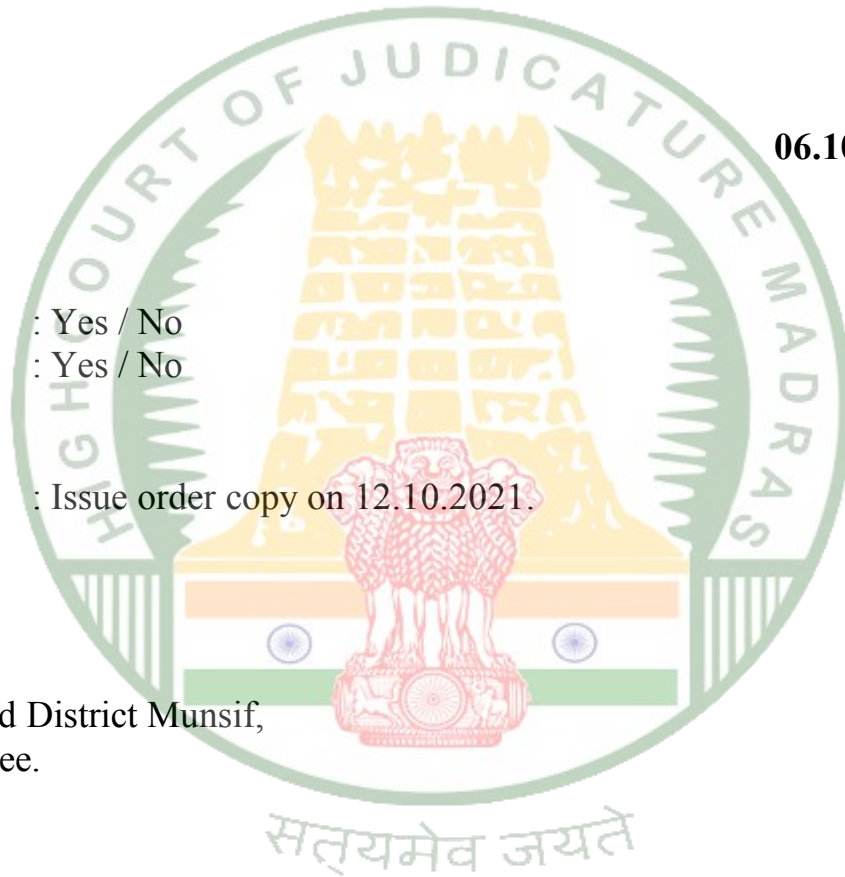
Index : Yes / No

Internet : Yes / No

NOTE : Issue order copy on 12.10.2021.

To

The learned District Munsif,
Poonamallee.



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V.M.VELUMANI, J.
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C.R.P.(PD).No.3384 of 2017

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