

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

CORAM

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

C.R.P.(NPD)No.3165 of 2018

B.Suresh Ram ... Petitioner

Vs.

1. Shalini
2. S.Anisha ... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 28.06.2018 passed by the learned I Assistant Judge, City Civil Court, Chennai in O.S.S.R.No.27010 of 2018 and to direct the suit to be numbered disposed of on merits.

For Petitioner : Mr.M.Balasubramanian

For Respondents

For R1 : Mr.T.M.Karthikeyan

For R2 : Not ready in notice

ORDER

The Civil Revision Petition is directed as against the order dated 28.06.2018 passed by the learned I Assistant Judge, City Civil Court, Chennai, in O.S.S.R.No.27010 of 2018, thereby rejecting the plaint as not maintainable.

2. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed suit in O.S.S.R.No.27010 of 2018 for declaration declaring that he is the class II legal heirs of the deceased Santharam and mandatory direction. The Court below dismissed the said suit without even numbering the same as against which, the present Civil Revision Petition.

3. It is seen from the records revealed that even as per the avernments made in the plaint, the defendants are the class I heirs of the deceased Santharam. When the class I legal heir are very much alive, the prayer sought for by the petitioners cannot be considered. Therefore, the Court below rightly rejected the plaint and this Court finds no infirmity

or illegality in the order passed by the Court below. However, the petitioners are at liberty to file fresh suit for any other relief if so advised.

4. Accordingly, this Civil Revision Petition stands dismissed.

There shall be no order as to costs.

16.07.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

To

1. The I Assistant Judge,
City Civil Court,
Chennai.

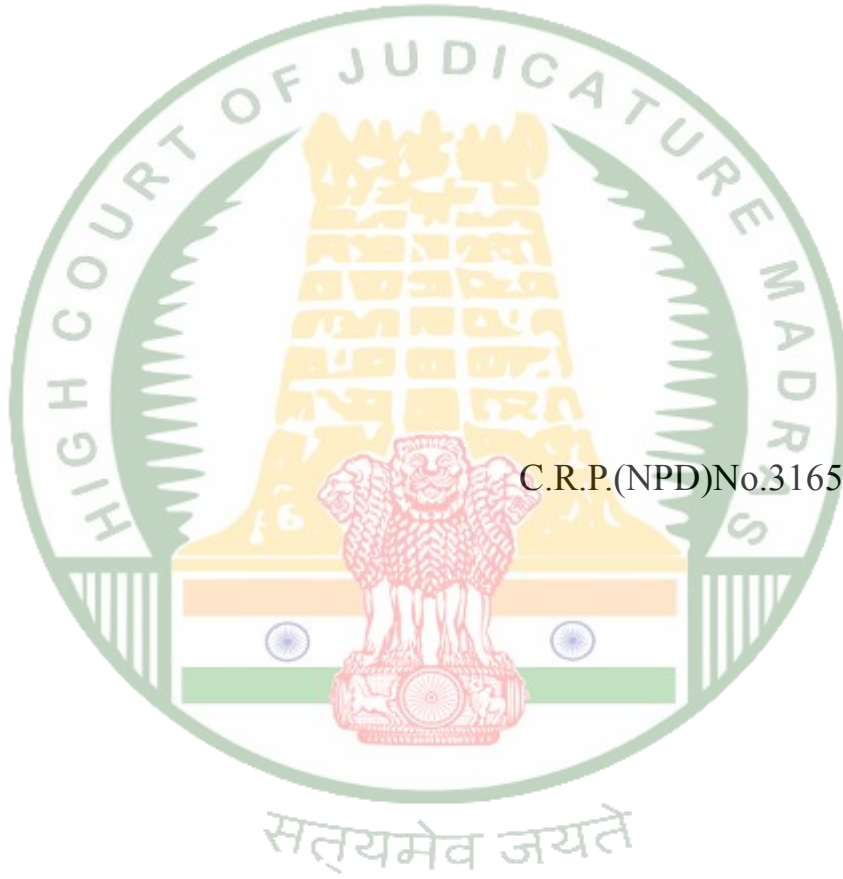
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

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G.K.ILANTHIRAIYAN, J.

rts



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