



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.89 of 2021

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S.Jayalakshmi

... Petitioner/ 1st Petitioner

-Vs-

1. Sujatha
2. S.Sureya, Minor
(Minor rep. by the
alleged mother and gaurdian
M.Sujatha/1st respondent) ... 1st & 2nd Respondents/
3rd & 4th Respondents
3. M.Sumathi
4. B.Kala
5. R.Uma
6. R.Sudha ... 3rd to 6th Respondents/
2nd to 5th Respondents
7. The State of Tamil Nadu,
Rep. by the District Collector,
District Collectorate,
Tiruchirappalli - 620 001.
8. The Tahsildar,
Tiruchirappalli West Taluk Office,
Tiruchirappalli - 620 001. ... 7th & 8th Respondents/
1st & 2nd Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Principal District Judge, Tiruchirappalli to dispose of the case in Transfer Original Petition in Tr.O.P.No.15 of 2020, within the time stipulated by this Court.

For Petitioner : Mr.M.Subash Babu
For Respondents : Mr.J.Gunaseelan Muthiah for R7 & R8
Additional Government Pleader

O R D E R

This Civil Revision Petition has been filed seeking a direction to the learned Principal District Judge, Tiruchirappalli to dispose of the case in Tr.O.P.No.15 of 2020, on the file of the Principal District Court, Tiruchirappalli, within the time stipulated by this Court.

<https://hcservices.mca.gov.in/hcservices>



2. It is the case of the revision petitioner that she got married with Mr.S.Subramanian on 28.06.1964 and four daughters were born to them out of the wedlock. All the daughters were got married and living separately. The petitioner's husband died on 17.11.2016. Thereafter, the petitioner submitted an application for issuance of legal heir certificate. In turn, on 27.03.2017 the Tahsildar vide No.O.Mu.A2812/87, communicated the petitioner to approach the competent Court of law for getting legal heir certificate citing that the 3rd respondent/2nd petitioner herein also claiming that she is the wife of the deceased husband of the revision petitioner. In this regard, the revision petitioner and her daughters filed a suit in O.S.No.420 of 2017 on the file of the Principal District Munsif Court, Trichy, seeking declaration to declare that they are the legal heirs of the deceased Mr.S.Subramanian and for consequential rights of mandatory injunction directing the second respondent to issue legal heir certificate to them. Similarly, the 3rd respondent/2nd petitioner filed another suit in O.S.No.526 of 2017 on the file of the II-Additional District Munsif Court, Trichy, seeking the very same relief as sought for by the revision petitioner. The grievance of the petitioner is that since there is no Judicial Officer for the past one year, there is no progress in the suit filed by the 3rd respondent/2nd petitioner. Therefore, the petitioner has filed Tr.O.P.No.15 of 2020 on the file of the Principal District Court, Trichy seeking to withdraw the suit in O.S.No.526 of 2017 pending on the file of the II-Additional District Munsif Court and transfer the same to Principal District Munsif Court, Trichy to try the suit along with O.S.No.420 of 2017. It is further submitted that the second appeal in S.A.No.435 of 2014 is pending before this court for past six years for want of legal heir certificate. Hence, the petitioner is constrained to move the present revision petition before this Court for getting speedy disposal of the petition in Tr.O.P.No.15 of 2020.

3. Heard the learned counsel for the revision petitioner as well as the learned Additional Government Pleader appearing for the respondents 7 and 8 and perused the materials placed before this Court. Since this Civil Revision Petition is filed for early disposal of the Transfer Original Petition and as no adverse order is going to be passed, no notice is necessary to the respondents 1 to 6.

4. Considering the facts and circumstances of the case, this Court feels that ends of justice would be met by directing the Court below to dispose of the Transfer Original Petition within a time frame. Accordingly, without advertting to the merits of the case, a direction is issued to the learned Principal District Judge, Tiruchirappalli to dispose of the petition in Tr.O.P.No.15



of 2020, on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

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Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Principal District Judge, Tiruchirappalli.

2. The District Collector,
District Collectorate,
Tiruchirappalli - 620 001.

3. The Tahsildar,
Tiruchirappalli West Taluk Office,
Tiruchirappalli - 620 001.

Copy to

1. The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai. (2 copies)

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-2686[F] dated 01/02/2021

+1 CC to M/s.GP (SR-2789[F] dated 02/02/2021)

C.R.P. (MD) No.89 of 2021
01.02.2021

SMV(CO)

TR(15.02.2021) 3P 9C