



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.549 of 2021

Kanneeswari

... Petitioner/ Petitioner

-Vs-

1. K.Rajalakshmi

2. Minor Raveena

(rep. by her mother(i.e.,) 1st Respondent)

3. Sri Krishna Aiyer Higher Secondary School,
Through its Secretary,
Chinnamanur, Uthamapalayam,
Theni District.

4. The District Educational Officer,
Theni, Theni District.

5. The Chief Educational Officer,
Office of Chief Educational Officer,
Uthamapalayam, Theni District.

...Respondents/Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Judge, Principal District Court, Theni to dispose the Probate O.P.No.10 of 2019 within the time limit as fixed by this Court.

For Petitioner : Mr.K.K.Samy

O R D E R

This Civil Revision Petition has been filed seeking a direction to the learned Principal District Judge, Theni, to dispose of the Probate O.P.No.10 of 2019, on the file of the Principal District Judge, Theni, Virudhunagar District, within the time stipulated by this Court.



2. The learned counsel for the revision petitioner would submit that on 26.02.2001, the revision petitioner's son namely Karthick married the 1st respondent and out of the said wedlock one male child Naveen and one female child Raveena were born. Thereafter the 1st respondent had left from the matrimonial home with her paramour in the year 2011 and lived with her paramour for more than five years separately. On 25.04.2016, the petitioner's son Karthick executed a WILL in favour of the petitioner and the 2nd respondent. Subsequently, the petitioner's son Karthick filed H.M.O.P., seeking divorce and during the pendency, Karthick expired on 02.09.2018. The learned counsel for the revision petitioner would further submit that after the demise of the petitioner's son, she filed the Probate.O.P.No.10 of 2019 before the learned Judge, Principal District Court, Theni to probate the registered WILL, dated 25.04.2016 in respect of the schedule mentioned properties.

3. The grievance of the petitioner is that the petitioner filed amendment petition seeking amendment of prayer in I.A.No.2 of 2021 in Probate.O.P.No.10 of 2019 to probate the entire WILL which does not hurdle the 1st respondent in any manner. Though the petitioner is a senior citizen, aged 74 years, the trial Court has not considered the age of the revision petitioner and in view of the complicated procedure and interval of adjournments sought by the 1st respondent, the Probate.O.P.No.10 of 2019 is still pending without any progress. In view of the delay, the petitioner and her grand daughter is suffering mentally. Hence, the petitioner is constrained to move the present revision petition before this Court for getting speedy disposal of the Probate.O.P.No.10 of 2019.

4. Heard the learned counsel for the revision petitioner and also perused the materials placed before this Court. Since this Civil Revision Petition is filed only for an early disposal of the Original Probate petition and as no adverse order is going to be passed, no notice is necessary to the respondents herein.

5. Considering the age of the revision petitioner and also 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 petition within a time frame. Accordingly, without advertting to the merits of the case, a direction is issued to the learned Judge, Principal District Court, Theni, to dispose of the Probate.O.P.No.10 of 2019, on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar(RTI)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

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

The Principal District Judge,
Theni.

Copy to

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

+1 CC to M/s.SPL GP (SR-13623[F] dated 25/03/2021)

+1 CC to M/s.K.K.SAMY, Advocate (SR-13510[F] dated 25/03/2021)

C.R.P. (MD) No.549 of 2021

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