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CRP(NPD).No.201 of 2002

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Civil Revision Petition(NPD). No.201 of 2002

and CMP.No.2429 of 2002

Anitha Mary

... Petitioner

..Vs..

1. Curlin Arokiaya Mary
2. Elina Mary
3. Jayaseeli
4. Lawrence Deson
5. Paulin Mari
6. Bookmoose Pinto
7. Santiago
8. Aaron [deceased]
9. Rajammal Edward
10. Chandran Edward
11. Nithya Mary
12. A.Sevaraj
13. A.Rita Mary
14. A.Kallina Mary
15. A.Lily
16. A.Raja
17. A.Eliza Mary
18. A.Babu
19. P.Gnana Oil Das
20. P.Danraj



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21. Selvi

22. P.Sagayaraj

Respondents 12 to 18 are brought on record as
LRs of the deceased 8th respondent vide order of this
Court dated 11.12.2017 made in CMP.No.1656 to 1658 of 2007
in CPR.NPD.201 of 2002 [MVMJ]

Respondents 19 to 22 brought on record as LRs of the deceased
11th respondent vide Order dated 11.12.2017 made in CMP.Nos.
1008 to 1010 of 2011 in CRP.NPD.No.201 of 2002 [MVMJ]

... Respondents

Prayer: This Civil Revision Petition has been filed under section 115 of
Code of Civil Procedure, 1908 against the fair and final Order dated
08.08.2000 made in C.M.A.No.29 of 1999 on the file of the II Additional
District Court, Erode confirming the fair and final Order dated 07.04.1999
passed in S.C.O.P.No.7 of 1993 on the file of the Principal Subordinate
Court, Erode.

For petitioner : Ms.Zeenath Begum

For respondents : Mr.Venkatasubban
for M/s.Sarvabahuman Associates – R1 to
R6 & R9 and R10

Mr.P.Valliyappan – R13 to 18

R19 to R22 – Notice not ready



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ORDER

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This Civil Revision Petition has been filed challenging the fair and final Order dated 08.08.2000 made in C.M.A.No.29 of 1999 on the file of the II Additional District Court, Erode confirming the fair and final Order dated 07.04.1999 passed in S.C.O.P.No.7 of 1993 on the file of the Principal Subordinate Court, Erode.

2. The facts of the case is that one Mariadoss and Anthoniammal are husband and wife and they did not have any child. The Mariadoss was a Christian by religion and he was a retired last grade Government servant worked in the Commercial tax Department. The said Anthoniammal died in an accident on 16.08.1989. Thereafter, Mariadoss died on 28.11.1992. Subsequently, the relatives of the Mariadoss/respondents herein have filed S.C.O.P.No.7 of 1993 to grant a succession certificate for them to collect the amount belongs to the deceased Mariadoss.



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3. Learned counsel for the petitioner would submit that the petitioner had been brought up by the said Mariadoss and Anthoniammal as their adopted daughter. Throughout their life, the petitioner herein was taking care of Mariadass and Anthoniammal. As a mark of love and affection between them as a father and daughter, the said Mariadass in order to provide security and wealth to this petitioner had executed a Will on 01.11.1992 bequeathing his house and deposited amounts in his bank accounts. Hence, the petitioner takes a stand that she is an absolute owner thereof and no others are entitled to anything left by the deceased Mariadass.

4. According to the learned counsel for the respondents, parents of Mariadoss also predeceased him and Mariadass died *lis pendens*. Since the respondents herein are the relatives and legal heirs of the Mariadass, they are entitled to the property owned by deceased Mariadoss and the properties to be divided equally among them.



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5. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

6. On perusal of the records, it is seen that the petitioner had filed an application in I.A No.31 of 1993 claiming that they are the legal heirs of deceased Mariadoss. The said I.A was ordered on 25.06.1993 stating that the petitioner is neither daughter nor legal heir of the deceased Mariadoss. In fact, the petitioner was the daughter of Mr. M.A.Doss and Jothi (Jothi is the sister of Anthoniammal) and the petitioner did not file any petition claiming that she is the legal heirs of the deceased Mariadoss. The Will dated 01.11.1992 referred by the petitioner has less evidentiary value and this Hon'ble Court admits the findings of the Trial Court that if the petitioner is the adopted daughter of the said Mariadass, then, Mariadass would have added the petitioner's name as his legal heir in M.C.O.P.No. 377/90, which was filed to claim compensation on account of his wife's death, but the said Mariadass alone had filed the MCOP petition stating that he is the only legal heir of the deceased Anthoniammal. The Trail Court has rightly contented that the respondents herein are the



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legal heirs of the deceased Mariadass and this Court is not inclined to interfere with the order passed by the Court below.

7. Accordingly, this Civil Revision Petition is dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

05.04.2022

Index:yes/no

Internet:yes

msv

To

1. The II Additional District Court Judge,
II Additional District Court, Erode
2. The Principal Subordinate Court Judge,
Principal Subordinate Court, Erode.



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J.NISHA BANU, J.

msv

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