



WEB COPY



C.R.P(PD)No.780 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

C.R.P(PD)No.780 of 2022

S.Rajendran

S/o.P.Subramaniam,

... Petitioner

Vs.

Palaniammal (Died)

1.C.Mathiyarasan

... Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the Principal District Munsif Coimbatore to accept the Petition dated 23.12.2021 in S.R.No.24504 in O.S.No.939 of 2017.

For Petitioner

:

Mr.S.Rajendran

Party-in-person

ORDER

Certain Palaniammal has filed a suit for bare injunction in O.S.No.939 of 2017 seeking protection for her possession of the suit property against the defendants. A primary allegation is that she has executed a sale deed in favour of the 1st defendant as a security. She has also made certain other



allegations. The revision petitioner is the 2nd defendant, he had claimed that Palaniammal had died intestate and he is a nephew of Palaniammal and Palaniammal executed an unregistered Will in his favour. On the strength of the Will, he has transposed himself as the plaintiff and he wants to withdraw the suit filed by her and for which he has moved the trial Court for the purpose of advancing the hearing.

2.The trial Court is now directed to look into the matter to ascertain for itself if the Will which the plaintiff now claims is genuine and understand if he has right qualification to withdraw the suit. If it is not, then the suit necessarily abates. This Court is also informed that there is a Second Appeal pending before this Court, in which, the said Palaniammal is a party. Therefore, this fact also the trial Court needs to bear in mind.

3.With the above direction, this Civil Revision Petition stands disposed of at the admission stage itself. No costs.

17.03.2022

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To
The Principal District Munsif
Coimbatore.



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N.SESHASAYEE, J.,

kas/dk

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