



WEB COPY



CRP.No.3022 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.3022 of 2016
and CMP.No.15290 of 2016

Juliet Santhakumari(deceased)

Rep. by her LR's

1.K.Gopalakrishnan

2.G.Preethi

3.G.Sathish

4.G.Rajesh

5.G.Vinitha

... Petitioners

Vs.

1.Reynold Vasanthakumar

2.George Jayakumar

3.Leo Ravikumar

Respondents

...

PRAYER:

Civil Revision petition is filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 26.08.2014 in IA.No.12558 of 2012 in IA.No.9768 of 2012 in OS.No.4149 of 1998 on the file of the III Additional City Civil Court, Chennai.

For Petitioners : Mr.P.Anbarasan

For Respondents

For R1 : Mr.Manoj Sreevatsan



CRP.No.3022 of 2016

WEB COPY

ORDER

This civil revision petition has been filed to set aside the fair and decretal order dated 26.08.2014 in IA.No.12558 of 2012 in IA.No.9768 of 2012 in OS.No.4149 of 1998 on the file of the III Additional City Civil Court, Chennai, thereby dismissed the petition to implead the petitioners as party in the final decree application filed by the first respondent herein.

2. Heard, the learned counsel for the petitioners and the learned counsel for the first respondent.

3. The first respondent is the plaintiff in the suit for partition filed as against the respondents 2 and 3 herein and another. The said suit was decreed by the judgment and decree dated 26.09.2022. Accordingly, the suit property was divided in to four equal shares by metes and bounds. The first respondent was allotted one such share and he was put in possession. While being so, the second defendant in the suit died on 03.07.2009 leaving behind the petitioners as her legal heirs. Therefore, the first respondent herein filed application to implead them as parties in IA.No.9768 of 2012 filed for final decree. In the said application, the second respondent herein filed counter stating that the



CRP.No.3022 of 2016

deceased second defendant's husband is one, Mr.Christopher Robert who is the original husband. They got married in a church and they were issued marriage certificate No.6 of 1976 dated 11.02.1976. The plaintiff i.e. the first respondent herein, as own brother of the deceased second defendant had full knowledge about the marriage with the said Christopher Robert. Therefore, the petitioners herein are not the legal heirs of the deceased second defendant. The petitioners also failed to prove that they were born to the deceased second defendant. As such, the court below rightly dismissed the application and this Court finds no infirmity or illegality in the order passed by the court below.

4. Accordingly, this civil revision petition is dismissed. However, the trial court i.e. III Additional City Civil Court, Chennai is directed to dispose of the final decree application within a period of twelve weeks from the date of receipt of copy of this order, if not already disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

19.12.2022

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

lok

G.K.ILANTHIRAIYAN, J.



CRP.No.3022 of 2016

lok

To

The III Additional City Civil Court,
Chennai.

CRP.No.3022 of 2016

19.12.2022