



A.No.3875 of 2022

WEB COPY

A.No.3875 of 2022
in
C.S.No.880 of 2016
G. CHANDRASEKHARAN, J.

A.No.3875 of 2022 is filed to bring on record the legal representative of the deceased 1st defendant namely S.Azhagu Palaniyappan, as 4th defendant.

2. It is submitted by the learned counsel for the applicant that applicant is the 2nd wife of the deceased S.Azhagu Palaniyappan. In support of his submission, he produced a copy of the order in HMOP.No.9 of 2005, on the file of the Sub-Court, Ponneri, granting divorce to S.Azhagu Palaniyappan in a case filed against his wife Valiyammai under Section 13(1) (I.A) and (1-B), The Hindu Marriage Act. A copy of the marriage invitation dated 28.06.2010, copies of marriage photos, death certificate of 1st defendant and copy of legal notice dated 06.06.2022 addressed to the Registrar, Birth and Death Department for including the name of the applicant as the second wife of deceased S.Azhagu Palaniyappan are produced.

3. This application is strongly opposed by the learned counsel for 3rd and 4th respondents on the ground that the applicant is not the legally wedded wife of the deceased S.Azhagu Palaniyappan. The documents produced now are forged



A.No.3875 of 2022

documents, created for the purpose of this case. Therefore, this application has to

be dismissed.

4. The learned counsel for 1st and 2nd respondents submitted that he has no objection for allowing this application.

5. Considered the rival submissions of the learned counsel for both sides.

6. The records produced by the applicant *prima-facie* shows that, after the death of his first wife namely Valimmai, the deceased S.Azhagu Palaniyappan appears to have married the applicant. Without deeply going into the merits of the rival claim, this Court, on the basis of the *prima-facie* materials available in this case, allows this application, with liberty to the parties to raise their rival contentions by filing written statement/additional written statement, followed by framing of relevant issue with regard to the marriage between the applicant and the deceased S.Azhagu Palaniyappan. Accordingly, this application is allowed.

7. Plaintiff is directed to take appropriate steps for amending the plaint and file amended plaint.



A.No.3875 of 2022

WEB COPY 8. Plaintiff and respondents 3 and 4 are directed to file their written statement.

9. Post the matter after two weeks.

30.11.2022

gd



WEB COPY



A.No.3875 of 2022

G. CHANDRASEKHARAN, J.

gd

A.No.3875 of 2022
in
C.S.No.880 of 2016

30.11.2022