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CRP.No.735 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM:

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

CRP.No.735 of 2019
and CMP.No.4761 of 2019

V.Lalitha

... Petitioner

Vs.

Rajalakshmi(since deceased)

1.Ramarathinam @ Ramanathan

2.Chandrasekaran

3.Ganesan

4.Karpagam @ Geetha

5.Subramaniam

6.Venkataraman

7.Srimati

8.Kumar

9.K.R.Lakshmi @ Radhamani

10.Gowri

11.Priya

12.M/s.KanchiInfotech

rep. by its Manager,

No.21/16, 1st Main Road,

Nanganallur,

Chennai 600 061

13.M/s.Pole Star

rep. by its Manager,

No.21/16, 1st Main Road,

Nanganallur,

Chennai 600 061

... Respondents

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India to allow the revision petition setting aside the order passed by the lower court, the Subordinate Judge, Tambaram in IA.No.768 of 2017 in OS.No.129 of 2010 dated 02.04.2018 and to allow the petition.



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For Petitioner : Mr.C.R.Malarvannan
For Respondents
For R8 : Mrs.C.R.Rukmani

ORDER

This civil revision petition has been filed to set aside the order passed by the Subordinate Judge, Tambaram in IA.No.768 of 2017 in OS.No.129 of 2010 dated 02.04.2018, thereby dismissed the application filed under Order 16 Rule 1 Sub clause (1) & Sub clause (2) r/w Section 151 of CPC to issue subpoena to the Health Officer, Corporation of Chennai to produce the death certificate of Late Swaminathashastrigal.

2. Heard, the learned counsel for the petitioner and the learned counsel for the eighth respondent.

3. The petitioner is the plaintiff. She filed suit for partition as against the respondents herein. While examining DW1, the petitioner filed this petition to issue subpoena to the Health Officer, Corporation of Chennai to produce the death certificate of Swaminathashastrigal. According to the petitioner, the said Swaminathashastrigal is her maternal grandfather who died on 14.03.1957. However, the petitioner failed to produce any death certificate along with the



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plaint. In fact, she failed to mark the said document while she was examined as

PWI. Whereas on perusal of the written statement, the respondents categorically denied the death of the said Swaminathashastrigal and he died even in the year 1954 itself. When it is disputed by the respondents, it is the duty of the petitioner to produce the certified copy of the death certificate since the certificate produced by the petitioner does not contain any signature or seal of the Corporation. Therefore, the court rightly dismissed the petition 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 petitioner is at liberty to obtain a certified copy of the death certificate of her grandfather i.e. Swaminathashastrigal and mark the same before the trial court. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

21.12.2022

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To
The Subordinate Judge,
Tambaram

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