



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P (PD) (MD) .No. 844 of 2022

WEB COPY

1.V.Uma

2.Nisha

3.Anusha

4.Aiswarya

... Petitioners/Petitioners

Vs

Life Insurance Corporation of India,
Rep. by Principal Officer/branch Manager,
No.20-65, Ephrahim Buildings, Bus Stand,
Thuckalay, Kalkulam Taluk,
Kanyakumari District.

... Respondent/Repondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the docket order dated 22-11-2019 and direct the learned Sub Judge, Eraniel to number the Unmubered S.O.P.No....Of 2019.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.D.Shanmugaraja Sethupathi

ORDER

To set aside the docket order dated 22-11-2019 and direct the learned Sub Judge, Eraniel to number the Unmubered S.O.P.No....Of 2019, the revision petitioners have filed this Civil Revision Petition.

2.Heard the learned counsel appearing for both sides and perused the materials available on record.

3.The SOP petition filed by the revision petitioners was returned by the learned Sub Judge, Eraniel on three grounds. Again it was represented, without complying with the second return. The petitioners ought to have pleaded why the legal heir certificate was not issued. The fact of death can be decided during the course of trial. The death of Murugan and date of death were admitted by the Sub Collector and also by the Temple Authorities, who gave the death certificate. The only dispute is with regard to the place of death. Hence, the petitioners can establish the fact at the time of



trial and make an endorsement of non-availability of legal heir certificate, before the trial Court.

4.Hence, the learned Sub Judge, Eraniel is hereby directed to number the SOP petition and proceed as per rules. In view of the above, this Civil Revision Petition is allowed and the docket order dated 22-11-2019 passed by the learned Sub Judge, Eraniel is set aside. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

To

1.The Sub Judge, Eraniel.

2.The Record Keeper,

Vernacular Section, Madurai Bench of Madras High Court,
Madurai.

3.The Section Officer,E.R. Section,
Madurai Bench of Madras High Court,
Madurai.

*(Registry is directed to return the original S.O.P.
petition to the learned counsel for the petitioners,
after retaining a photocopy of the same)*

+1 CC to M/s.D. SHANMUGARAJA SETHUPATHI, Advocate
(SR-22475[F] dated 29/04/2022)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-22659[F]
dated 29/04/2022)

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MGJ(18.05.2022) 2P 7C