



CRP(MD)No.1612 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CRP(MD)No.1612 of 2022
and
CMP(MD)No.6994 of 2022

1.R.Vasanthi

2.K.Radha

: Petitioners

Vs.

1.A.Bagyalakshmi

2.A.Rakki

3.The Sub Registrar,
No.II, Joint Sub Registrar Office,
Sivagangai District,
Sivagangai.

: Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the fair and decreetal order passed in I.A.No.1 of 2021 in O.S.No. 114 of 2018, dated 30.06.2022, on the file of the Sub Court, Sivagangai and quash the same.

For Petitioners : Mr.C.Santhoshkumar

For R.3 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader



ORDER

WEB COPY This civil revision petition is filed by the petitioners as against the order passed by the learned Subordinate Judge, Sivagangai, in I.A.No.1 of 2021 in O.S.No.114 of 2018, dated 30.06.2022.

2.The first respondent herein has filed the suit in O.S.No.114 of 2018 to declare the settlement deeds executed by the first petitioner / first defendant in favour of the second petitioner / second defendant and the subsequent sale deed executed by the second petitioner / second defendant as null and void and also for a permanent injunction restraining the defendants from alienating or encumbering the suit schedule properties.

3.The case of the first respondent / plaintiff is that one Vellaichamy and Meenal are the parents of Muniammal, who is her mother. After the birth of Muniammal, Vellaichamy died and Meenal has subsequently remarried one Shanmugam. The said Shanmugam and Meenal are the parents of the first petitioner / first defendant. Meenal, during her lifetime, has bequeathed the suit property in favour of the first respondent / plaintiff, ie., her grandchild, vide a registered Will in Document No.38/99, dated 09.08.1999. However, suppressing



the Will and the first marriage of Meenal with Vellaichamy and the daughter born to them, namely, Muniammal / the plaintiff's mother, the first petitioner / first defendant, stating that she is the only legal heir of Meenal, has obtained legal heir certificate and also made encumbrance on the property. Hence, the suit.

4.In order to reject the plaint, the petitioners have filed the interlocutory application in I.A.No.1 of 2021 under Order 7 Rule 11 CPC, stating that the first petitioner is the only legal heir of Meenal and that she alone is entitled for the suit property. They have also taken a ground that the Will dated 09.08.1999 is a fabricated one.

5.The trial Court, holding that the truth or otherwise of the allegations have to be adjudicated in the trial, has dismissed the petition. This Court does not find any error in the judgment of the trial Court. Since there are allegations and counter-allegations, necessarily it has to be decided during the course of the trial, by adducing evidence.

6.Accordingly, this civil revision petition stands dismissed. However, considering the age of the suit, the trial Court shall endeavor to dispose of the suit,



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B.PUGALENDHI, J.

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in the manner known to law, as expeditiously as possible, preferably within a period of eight months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

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Internet : Yes

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To

The Sub Court,
Sivagangai.

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