



CRP PD(MD)No.2148 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP PD(MD) No.2148 of 2022 and
CMP(MD) No.9937 of 2022

C.Sellathurai

... Petitioner

Vs

1.Jo. Vijaya
2.Minor.J.Salomraj
3.The Tahsildar
Rajapalayam Taluk,
Virudhunagar District.

4.The District Collector,
Virudhunagar District,
Virudhunagar.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 11.08.2022 made in I.A.No.2 of 2022 in O.S.No.48 of 2022, on the file of the District Munsif Court, Rajapalayam.



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For Petitioner : Mr.M.Karthikeyan
For R1 and R2 : Mr.L.Kamala Kannan
For R3 and R4 : Mr.M.Sarangan
Additional Government Pleader

ORDER

This Civil Revision Petition is filed as against the order passed by the learned District Munsif, Rajapalayam in I.A.No.2 of 2022 in O.S.No.48 of 2022, dated 11.08.2022.

2.The case of the petitioner is that the respondents 1 & 2 herein have filed a suit in O.S.No.48 of 2022, wherein, the respondents 3 & 4 are defendants. The suit has been filed to declare the respondents 1 & 2 as the legal heirs of one Joseph, who died on 09.01.2022 and for a direction to the official to issue legal heir certificate to the plaintiffs. Pending the suit, the petitioner herein, who is a proposed respondent filed an interlocutory application in I.A.No.2 of 2022 in O.S.No.48 of 2022 to implead him as the third defendant in the main suit on the



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ground that he is the brother of the deceased Joseph and the first respondent is not the legally wedded wife of the deceased Joseph. The petitioner has also taken a specific stand that one Mary Elizabeth Rani is the first wife of the deceased Joseph. The trial Court dismissed the said application on the ground that the petitioner has not taken any steps to implead the said Mary Elizabeth Rani as a party to the suit. Aggrieved over the same, the present Civil Revision Petition is filed.

3.Today(10.11.2022), when this Civil Revision Petition is taken up for hearing, the learned counsel appearing for the petitioner seeks short accommodation that the learned counsel, who is leading this matter has to come from Chennai.

4.The learned counsel appearing for the respondents 1 & 2 submits that the revision petitioner is not having any *locus standi* to file the above interlocutory application to implead him as a party to the suit



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on behalf of the said Mary Elizabeth Rani and moreover the petitioner has not substantiated his case by way of any documents.

5.The learned Additional Government Pleader appearing for the respondents 3 & 4 submits that the revision petitioner is the brother of the deceased Joseph and claims that one Mary Elizabeth Rani is the first wife of the deceased Joseph. In this regard, the petitioner has already made a representation before the Revenue officials and based on that, an enquiry was also conducted. It was found that an engagement between the said Mary Elizabeth Rani and the deceased Joseph was performed but the marriage was not performed between them. The said Mary Elizabeth Rani has also married another person and was living with him with two children. The learned Additional Government Pleader has also produced relevant documents to substantiate the same.



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6.This Court considered the rival submissions made.

7.In view of the submission made by the learned Additional Government Pleader appearing for the official respondents 3 & 4, this Court is not inclined to entertain this Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.11.2022

Internet : Yes
Index : Yes / No
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To
The District Munsif Court, Rajapalayam.



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B.PUGALENDHI, J.

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