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C.R.P.(PD)No.1625 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.1625 of 2018
and CMP.No.8793 of 2018

Haleema

.. Petitioner

VS

- 1.Mohammed Zoor (died)
- 2.Rahmed Bi (died)
- 3.Mohammed Unuz Ali
- 4.Mahdoom Ali
- 5.Roshan Aara
- 6.Mohammed Khaleel
- 7.Mohammed Khaja
- 8.Ayisha
- 9.Mohammed Jeelani

.. Respondents

Petition filed under Article 227 of the Constitution of India against the Order and Decreetal Order dated 31.10.2017 passed in I.A.No.94 of 2017 in O.S.No.44 of 2005 on the file of the District Munsif-cum-Judicial Magistrate, Tirukalukundram and prays that the same may kindly be set aside.

For Petitioner : Mr.C.Jagdish

For Respondents : Mr.N.Sivaprakash (for R3 to and R9)
R1 & R2 - Died

ORDER

One Sumaiya was impleaded as the legal representative of the first defendant Abdul Jaffar. Applications were taken out for bringing on



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record, the said Sumaiya and they stood allowed. Subsequently, an application was taken out to strike of Sumaiya stating that she is not the legal heir of Abdul Jaffar but the daughter of one Sheik Dawood. The said application was dismissed by the trial Court holding that the stage on which the application was filed (when PW1 was in the witness box awaiting cross examination) it was belated. However, it reserved the right of the petitioner to go into the paternity of Sumaiya at the time of trial.

2.The trial Court has not committed any error, there is no illegality or irregularity. It can always frame an issue whether Sumaiya is the legal representative of Sheik Dawood or Abdul Jaffar and answer it at the time of trial. I am not inclined to revise the order. This Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. The memo dated 24.07.2023 filed by the learned counsel for the petitioner is recorded.

24.07.2023

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation:Yes/No
vs

To
The District Munsif-cum-Judicial Magistrate,
Tirukalukundram.

V. LAKSHMINARAYANAN,J.



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