



A.No.4685 of 2022
in O.P.No.768 of 2018

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N.SATHISH KUMAR, J.

This Application has been filed seeking to revoke the succession certificate granted by this Court on 12.03.2021 in O.P.No.768 of 2018.

2. Originally, the respondents/petitioners, originally, had filed the above Original Petition seeking for grant of Succession Certificate on the premise that the first respondent herein is the legally wedded wife of the one R.Aravanan, wherein, the marriage was solemnised on 10.09.1986. The second respondent herein was born out of their wedlock. Therefore, succession certificate was sought. The second applicant / second respondent remained *ex parte*. Therefore, the Original Petition was ordered in favour of the respondents/petitioners. Now, the present application has been filed by the respondents in the Original Petition to the effect that the first applicant is the legally wedded wife of late Mr.R.Aravanan and their marriage was solemnized on 28.06.1984 and out of their wedlock, the second applicant/second respondent was born.



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3. According to the applicants, all the official and government records indicate the name of the first applicant as the wife of late Mr.R.Aravanan. Even in the retirement papers, first applicant name is shown as wife and in fact, the applicants/respondents are availing pension of the said Mr.R.Aravanan. Hence, it is the contention that they have engaged Mr.P.Suresh, Advocate and Vakalat was filed on 27.01.2020, thereafter, they engaged Mr.V.Bommuraj, Advocate and Vakalat was filed on 10.03.2021 vide D.No.7665 of 2021 and the said Vakalat was returned for compliance on 15.03.2021. Thereafter, the the Original Petition was ordered in favour of the respondents herein. Hence, this application seeking revocation of succession certificate granted in favour of the respondents herein.

4. Heard both sides and I have perused the materials placed on record.

5. Considering the nature of allegations that the first respondent claiming to be the legally wedded wife and on perusal of the documents available on the records, this Court is of the view that the certificate obtained by the respondents/petitioners is based on unsubstantiated allegations, since, both of them claiming to be legally wedded wife. Unless and until, the

<https://www.mhc.tn.gov.in> factum of first marriage is established, one cannot claim to be a legally



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wedded wife. Such situation is not arose in this case. The respondents have been remained *ex parte* for some reasons at the fault of lawyers, despite the fact that the Vakalat has been filed by them. Such being the matter, this Court is of the view that succession certificate obtained based on unsubstantiated allegations has to be recalled.

6. Accordingly, the Order granting Succession Certificate dated 12.03.2021 is revoked and both the petitioners as well as the respondents shall establish their rights by adducing the evidence in the Original Petition and the Original Petition will be posted for the trial and rights of the parties shall be decided on the basis of evidences adduced. Till rights are finally adjudicated, amounts shall not be disbursed to anyone.

7. List this original petition on 04.12.2023 for filing counter by the respondents.

09.11.2023

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