



A.No.4925 of 2022

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in O.P.No.193 of 2019

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N.SATHISH KUMAR, J.

This application has been filed seeking to revoke the Succession Certificate granted in favour of the petitioner in O.P.No.193 of 2019.

2. The application is taken out on the basis that there is suppression of material facts. The petitioner was not a legal heir of the deceased Ellammal. Hence, the entire allegations in the application is proceeded, as if, the Succession Certificate has been obtained by suppression of material facts, by playing fraud on the Court. The Original Petition has been filed, as if, the petitioner, was the sole legal heir to the deceased Ellammal, born through his father Pattabhiramraj, whereas, the applicants have taken a consistent view that Ellammal did not have a legal heir, she died as a spinster.

3. The applicants have given representation to the Tahsildar and the Tahsildar has made a detailed enquiry in this regard, wherein, he has recorded a finding to the effect that Ellammal was a spinster and she has no issues at all. However, the petitioner in the Original Petition, somehow or other, managed to get a legal heir certificate in his favour.



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4. Considering the two contra statements of the Revenue authorities, available on record, this Court is of the view that it is a fit case, where, the rights of the parties are to be decided only in a Civil Court.

5. Such view of the matter, since, the petitioner has not made any of the legal heirs and he himself has shown as a sole legal heir of the late Ellammal, this Court is of the view that the petitioner has made a just cause to revoke the Succession Certificate. It also appears that the petitioner, in Original Petition, has also managed to obtain another legal heir certificate stating to be a legal heir to one Mrs.Valliammal, which is also annexed in the typed-set filed by the applicants, which clearly shows that there is a clear fraud played on this Court.

6. Accordingly, this application is ordered. Since the succession certificate is revoked, let the parties shall establish their rights in a Civil Court.

27.11.2023

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