



Crl.RC.No.910 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

Coram:

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

Criminal Revision Case No.910 of 2020

M.Venkatesh

... Petitioner

Vs.

1.P.Nanjappa

2. The Commissioner
Hosur Municipality
Hosur
Krishnagiri District

... Respondents

Prayer: Criminal Revision filed under Section 397 read with 401 of Criminal Procedure Code, praying to set aside the order passed in Crl.M.P.No.4053 of 2014 dated 29.07.2015 on the file of the Judicial Magistrate Court No.II at Hosur, Krishnagiri District.

For Petitioner : Mr.Jayaprakash

For Respondent-2 : Mr.N.Subburaiyalo



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ORDER

This Criminal Revision Petition has been filed seeking to set aside the order passed in Crl.M.P.No.4053 of 2014 dated 29.07.2015 on the file of the Judicial Magistrate Court No.II at Hosur, Krishnagiri District.

2. The 1st respondent herein had filed a petition in Crl.M.P.No.4053 of 2014 before the Judicial Magistrate No.II, Hosur, Krishnagiri District under Section 13(3) of Registration of Births and Deaths Act 1969 read with Section 10(3) of Tamil Nadu Registration of Births and Deaths Rule 1977 seeking to direct the 2nd respondent herein to register the death of his mother namely Venkatamma who died on 21.01.1984. Subsequently, the petitioner herein had filed a petition to implead him as one of the respondent namely 2nd respondent in said proceedings since he had entered into an agreement with one of the legalheirs of the said Venkatamma. The learned Magistrate after impleading the petitioner herein as a 2nd respondent, considering the materials, allowed the petition filed by the 1st respondent herein by order dated 29.07.2015 and directed the 2nd respondent herein to make entry in



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the Register that the said Venkadamma died on 21.01.1984. Aggrieved over the same, the 2nd respondent therein has filed the present revision before this Court.

3. The revision petitioner has closed the sale agreement dated 20.07.2009 executed between the revision petitioner and the 1st respondent and other legalheirs of the said Venkatamma. The contention of the learned counsel for the revision petition is that in the said agreement itself, the date of death of the said Venkatamm is mentioned as 1983 and therefore, the trial Court should not have directed the 2nd respondent herein to make entry in the Births and Deaths Register as if, the said Venkatamm died on 21.01.1984.

4. Heard the learned counsel for the petitioner and the learned counsel for the 2nd respondent and perused the materials on record.

5. Admittedly the first respondent herein had filed the petition in Crl.M.P.No.4053 of 2014 before the Judicial Magistrate-2, Hosur, Krishnagiri District, seeking to direct the 2nd respondent herein to register the date of the death of his mother namely Venkatamma as 21.01.1984.



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Though the petitioner raised objection stating that the date of death of the said Venkatamma is already mentioned in the agreement as 1983, he has not produced any document to prove the date of death of the said Venkatamma. Further he is not a relative to the said Venkatamm and he is only a 3rd party to the agreement who is interested over the sale agreement. It is also stated now the petitioner has also filed a suit for specific performance and the same is ending. Therefore, the petitioner has no locus standi to challenge the order of the Magistrate. However, since the petitioner is a party to the sale agreement, he can work out his remedy in the civil suit which is pending.

6. With the above observations, this Criminal Revision Case is dismissed.

09.01.2023

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1. The Judicial Magistrate Court No.II
Hosur, Krishnagiri District
2. The Commissioner
Hosur Municipality
Hosur
Krishnagiri District



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P.VELMURUGAN

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