



CRP No.4150 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-01-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CRP No.4150 of 2022

And

CMP No.21666 of 2022

1.Aadhilakshmi
2.Govindasamy

.. Petitioners

vs.

1.Chinnathambi (Died)
2.Manogaran
3.Elumalai (Died)

.. Respondents

PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 22.12.2021 made in EA No.84 of 2019 in EP No.31 of 2016 in OS No.5 of 2007 on the file of the Court of Additional District Munsif, Tindivanam.



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For Petitioner : Mr.M.Sriram

For Respondents-1 to 3 : Mr.K.Balakrishnan for
Mr.S.Udhaya Kumar

ORDER

The present Civil Revision Petition has been filed under Article 227 of the Constitution of India, challenging the order dated 22.12.2021 passed in EA No.84 of 2019 in EP No.31 of 2016 in OS No.5 of 2007 on the file of the Additional District Munsif Court, Tindivanam.

2. The revision petitioners are the defendants in the suit and the first respondent-late Mr.Chinnathambi instituted the suit in OS No.5 of 2007 for specific performance. The suit was decreed in favour of the first respondent-plaintiff and thereafter the decree-holder filed EP No.31 of 2016 for execution of the decree.

3. During the pendency of the proceedings, the first respondent-plaintiff Mr.Chinnathambi died on 11.11.2014 and thereafter, the respondents



2 and 3, who are the legal heirs of the first respondent-plaintiff, filed an application for impleading, which was allowed.

4. The grievance of the revision petitioners is that the Execution Petition filed by the decree-holder in EP No.175 of 2014 was dismissed on 21.07.2016 on the ground that the decree-holders have not produced the valid death certificate of the first respondent-plaintiff and the legal heirship certificate.

5. While-so, the respondents 2 and 3 have filed another Execution Petition in EP No.31 of 2016, which was ordered by the Trial Court, without even receiving the copy of the death certificate and legal heirship certificate. Thus the revision petitioners are constrained to move the present Civil Revision Petition.

6. The learned counsel for the revision petitioners mainly contended that the Execution Petition, at the first instance, was dismissed for



non-production of the valid death certificate and the legal heirship certificate of the decree-holder late Mr.Chinnathambi. More-so, the further execution proceedings cannot be allowed and thus the Trial Court has committed an error.

7. At the admission stage, the learned counsel for the respondents appeared as Caveators and they have furnished the copy of the death certificate of the first respondent-plaintiff late Mr.Chinnathambi and the legal heirship certificate dated 04.12.2020.

8.The learned counsel for the respondents made a submission that they death certificate of the first respondent-plaintiff late Mr.Chinnathambi and the legal heirship certificate were already produced before the Execution Court. However, the parties are at liberty to adjudicate the issues in the execution proceedings.

9. As far as the present Civil Revision Petition is concerned, no



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further consideration is required, since the respondents have produced the copy of the death certificate and the legal heirship certificate and made a submission that they were already produced before the Execution Court.

10. With the abovesaid clarifications, the present Civil Revision Petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

09-01-2023

Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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To

The Additional District Munsif,
Tindivanam.



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S.M.SUBRAMANIAM, J.

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