



C.R.P.No.3957 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.3957 of 2023

V.Rajashekhar

... Petitioner

-Vs-

1. P.Chitravathy

2. Preethi Chandrasekaran

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the docket order dated 13.09.2023 passed in S.C.O.P. SR.No.7185 of 2023 (unnumbered) passed by the Principal District Judge, Chengalpattu and the Principal District Judge, Chengalpattu may be directed to number the petition in S.C.O.P. SR.No.7185 of 2023 and take the petition on file.

For Petitioner

: Mr.T.Ayyasamy



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ORDER

Challenging the impugned docket order passed in SCOP SR.No.7185 of 2023 (unnumbered) passed by the learned Principal District Judge, Chengalpattu, the Revision Petitioner preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, the Revision Petitioner filed a petition to issue succession certificate in favour of petitioner, who is husband of deceased Suganya in order to collect debts and to receive interest and dividends as mentioned in the schedule. The said petition was returned by the trial judge stating that the documents in respect of item Nos.2 and 3 in Table 1 and item Nos.1 to 6 in table 2 are ordered to be filed. The learned counsel for Revision Petitioner would submit that he has complied the defects and also submitted that the documents can be filed at the time of enquiry and not at the time of numbering itself. Furthermore, at the time of numbering the petition, the administrative side need not go into the entire



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merits of the case and for that, he relied on the ratio laid down by this court in ***C.R.P. (MD) Nos. 915, 943, 967, 991 and 330 of 2020 dated 22.02.2021***. But, without considering his submissions, the trial judge returned the petition. Aggrieved over the same, the Revision Petitioner preferred this Civil Revision Petition.

4. Records perused. On perusal of records, it reveals that as the husband of deceased Suganya, the Revision Petitioner filed a petition to issue succession certificate and the same was filed against mother and sister of deceased and along with the petition, he enclosed 18 documents, but one such document viz., Aadhar card reveals that the Revision Petitioner is husband of deceased Suganya. So, prima facie, it reveals that he is husband of deceased. Therefore, the reasons assigned by the Revision Petitioner is justifiable one. Accordingly, this Civil Revision Petition is allowed and the findings rendered by the trial judge in the docket order in an unnumbered S.C.O.P. SR.No.7185 of 2023 is set aside. The trial judge is directed to take the petition on file within a period of two weeks from the date of receipt of copy of this order. However, if any document is required, the Revision Petitioner is directed to produce the



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same at the time of enquiry. Registry is directed to return the Original

Petition to the Revision Petitioner. No costs.

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Index : Yes/No

Speaking Order : Yes/No

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To

The Principal District Judge, Chengalpattu.



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T.V.THAMILSELVI, J.

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