



WEB COPY



C.R.P.(NPD)No.20 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(NPD)No.20 of 2019
and C.M.P.No.277 of 2019

1.Muniammal (died)

2. M.Ravi Kumar

3.M.Venkatesan

4.S.Rajeswari

5.M.Uma Mageshwari

... Petitioners

(1st petitioner died and the petitioners 2 to 5 brought on record as the legal heirs of the deceased 1st petitioner viz., Muniammal vide Court order dated 13.12.2022 made in C.M.P.Nos.17494 & 17498 of 2022 in C.R.P.No.20 of 2019)

vs.

1.Dhanalakshmi

2.Muthu

3.Arumugam

4.Elumalai

5.Shanthi

1/5



C.R.P.(NPD)No.20 of 2019

6.Ganesan

7. Krishnaveniammal

.. Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure against the fair and decretal order dated 09.11.2018 made in C.M.P.No.31 of 2018 in A.S.No.62 of 2016 on the file of the XVII Additional City Civil Court, Chennai.

For Petitioners : Mr.B.Dinesh Kumar

For RR1 to 6 : Mr.S.Shanmugasundaram

For R7 : No appearance

ORDER

Heard both sides and perused the entire materials on record.

2. The main issue in the suit in O.S.No.8415 of 2009 is whether the allotment in favour of Annammal will go only into her first daughter Muniyammal or whether it will also be equally shared between Muniyammal and other daughters, Krishnaveniammal and Ellammal.



C.R.P.(NPD)No.20 of 2019

WEB COPY

3. It is the case of the plaintiffs/respondents that at the time of allotment, the legal heirs of Annammal were not fully disclosed and it is only on that account, the sale deed was executed solely in favour of Muniammal. To that effect, they wanted to produce the document from the Slum Clearance Board.

4. Both Mr.B.Dinesh Kumar, the learned counsel for the civil revision petitioners as well as Mr.S.Shanmugasundaram, the learned counsel appearing for the contesting respondent would state that pending the revision, the document had been received in evidence and the parties have also been cross-examined on the document.

5. The entire claim of the parties is based on the allotment, from the Slum Clearance Board to Annammal and from Annammal to Muniammal. Therefore, the said document is essential for deciding the dispute between the parties. The lower Appellate Court has also granted liberty to the parties to cross-examine the Slum Clearance Board on the



C.R.P.(NPD)No.20 of 2019

WEB COPY

said document and the said right has also been exercised. I do not find any error or irregularity in the order dated 09.11.2018 made in C.M.P.No.31 of 2018 in A.S.No.62 of 2016 on the file of the XVII Additional City Civil Court, Chennai.

6. In the result, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

08.08.2023
(2/2)

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation: Yes/No

kj

To

XVII Additional Judge
City Civil Court, Chennai.

4/5



WEB COPY



C.R.P.(NPD)No.20 of 2019

V.LAKSHMINARAYANAN,J.

Kj

C.R.P.(NPD)No.20 of 2019
and C.M.P.No.277 of 2019

08.08.2023
(2/2)