



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

Monday, the Twenty Seventh day of February Two Thousand Twenty Three

PRESENT

The Hon`ble Mrs.Justice N.MALA

CMA(MD) .No. 203 of 2023

1.T.Maragathamani
2.T.Jeyamurugan

..Appellants/ Petitioners

vs.

1.The Tahsildar,
Tahsildar Office,
Theni.

2.The District Collector,
District Collectorate,
Theni.

..Respondents/ Respondents

PRAYER:- This Civil Miscellaneous Appeal is filed under Section 299 of the Indian Succession Act, 1925 r/w. Order 43 Rule 1 of CPC to set aside the fair and decreetal order, dated 19.10.2022 passed in Probate O.P.No.82 of 2020 on the file of the Principal District Judge, Theni.

Decree :

This Civil Miscellaneous Appeal having come up for final hearing on this day, upon perusing the grounds of Appeal, the order of the trial Court and the material papers to the Appeal and upon hearing the arguments of Mr.V.Balaji, Advocate for the Appellants, Mr.D.Gandhiraj, Special Government Pleader for the Respondents, while allowing the Appeal, this Court doth order and decree as follows:-

i) that the fair and decreetal order, dated 19.10.2022 passed in Probate O.P.No.82 of 2020 on the file of the Principal District Judge, Theni, be and hereby is set aside and this Civil Miscellaneous Petition is allowed.



ii)that the matter is be and hereby is remanded back to the Principal District Court, Theni/Trial Court to permit the petitioner to amend the petition as one under Section 276 of the Act for grant of letters of administration and dispose of the petition in accordance with law that in the light of the observations and directions given in the judgment herein, within a period of eight weeks from the date of receipt of a copy of this order.

Iii)that there be no costs in this Appeal.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/06/2023

Sub Assistant Registrar(CS)

To
The Principal District Judge,
Theni.

Copy to:
The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES).

+1 CC to M/s.SPL.GP (SR-12018[F] dated 01/03/2023)

+1 CC to M/s.V.BALAJI, Advocate (SR-10925[F] dated 27/02/2023)

ORDER DATED : 27/02/2023

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DECREE

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CMA(MD) . No.203 of 2023

Allowing the CMA(MD) . No.203 of 2023 preferred against fair and decreetal order, dated 19.10.2022 passed in Probate O.P.No.82 of 2020 on the file of the Principal District Judge, Theni. etc. as stated within.

SI/ (12.06.2023) 2P/ 6C