



C.R.P(MD)No.960 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.04.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.960 of 2023

R.P.Balakrishnan
2.R.P.Bala Namachivayan
3.Thirumal Alagu
4.B.Senthilkumar

...Petitioners/Petitioners/Plaintiffs

Vs.

1.Gopalsamy
2.Radhakrishnan
3.Thirumalram
4.Jeyaram
5.Kalyanaram
6.Seetharam
7.Senbagaram
8.Kosalram
9.Dheenadhayalan
10.Ilango Manivannan
11.Manikandan

...Respondents 1 to 11/
Respondents 1 to 11/Defendants 1 to 11

12.Amirdha Gowri
13.Bhavani
14.Senthamilselvi
15.Palanivelrajan

.. Respondents 12 to 15/
Respondents 12 to 15/Proposed Defendants 12 to 15

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the learned I Additional District Court,



C.R.P(MD)No.960 of 2023

Madurai, to number the unnumbered I.A.SRNo.540 of 2023 in O.S.No. 433 of 2021 on the file of the I Additional District Court, Madurai.

For Petitioner : Mr.T.R.Subramanian

ORDER

This petition has been filed to direct the learned I Additional District Court, Madurai, to number the unnumbered I.A.SRNo.540 of 2023 in O.S.No.433 of 2021 on the file of the I Additional District Court, Madurai.

2.It is submitted that the suit was filed in O.S.No.433 of 2021 for partition. A reference is made to the genealogy in paragraph VI of the plaint. Wherein one of the legal representative of the Adhi Thirumal Pillai, namely, Rajammal has been shown as deceased. It is submitted that the petitioners/plaintiffs were unaware of the legal heirs of the said Rajammal at the time of institution of the suit. Therefore, they have now filed the above IA to implead the legal heirs of the said Rajammal (since deceased). The I Additional District Court, Madurai, has returned the application filed by the petitioners by directing the petitioners to file certified copy of the death certificate and legal heir certificate.



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3.It is submitted that the petitioners does not have certificate copy however, have a online copy of the same is available. Submission of the petitioner is accepted as they are not the legal heirs of Late.Rajammal. The petitioner and the said Rajammal are said to be descendants of Late.Adhi Thirumal Pillai.

4.There shall be a direction to the I Additional District Court, Madurai, to number the unnumbered Interlocutory Application in I.A.SRNo.540 of 2023, in O.S.No.433 of 2021. The I Additional District Court, Madurai, therefore shall pass appropriate orders in the said Interlocutory Application after due notice to the respondents therein who are the proposed defendants in O.S.No.433 of 2021.

5.The civil revision petition stands allowed with the above observations. No costs.

10.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
dss

Note : The Registry is directed to return the unnumberd copy for submitting before the Trial Court.



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C.SARAVANAN,J.

Dss

To

- 1.The I Additional District Court,
Madurai.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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10.04.2023