



Rev.Aplc(MD).No.113 and 114 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 12.06.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Rev.Aplc(MD).No.113 and 114 of 2019
and CMP.(MD).Nos.5297 & 5298/2019 and 4066/2023

Palanisamy

..Petitioner in both Rev.Applications

Vs

- 1.Mariyae Amma (died)
- 2.Seerammal
- 3.Palaniammal
- 4.Jayammal
- 5.P.Dhanalakshmi
- 6.P.Meenakshi
- 7.P.Kandasamy (died)
- 8.Santhanalakshmi
- 9.Arun Kumar

..Respondents/Respondents

[R8 and R9 are brought on record as LRS of the deceased
7th respondent vide court order dated 27.04.2023 made in CMP.
(MD).nos.4478, 4479, 4480, 4485, 4486 of 2023]

Prayer: Review Petition filed to review the order passed in
CRP(MD).No.1735 & 1736 of 2010 dated 30.04.2019.



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For Petitioner : Mr.B.Saravanan

For respondents : Mr.V.Meenakshi Sundaram for R5 and R6

R1 to R4 – No appearance

Mr.M.Bindran for R8 and R9.

ORDER

In the present Review Application, though various grounds are raised to review the order, the learned counsel for the review petitioners brought to my attention to the averments in the written arguments filed by counsel for the respondents 5 to 7 at the time of hearing of CRP. (MD).Nos.1735 and 1736 of 2010, which reads as under:-

“ As far as the present application in I.A.No.530 of 2010, it is only confined to the details of the amendments as stated above and the fair and decretal order dated 16.07.2010 passed in I.A.No. 530 of 2010 in I.A.No.623 of 1995 in O.S.No.1187 of 1986 on the file of Additional District Munsif Court, Karuru has to be confirmed, giving liberty to the Revision Petitioner to file appropriate petition with the original copy of the Will dated 09.02.1981 and prove the same in accordance with Section 68 of Indian Evidence Act r/w. Section 63 of Indian Succession Act. Unless such application is filed with the original copy of the Will, the Revision Petitioner cannot canvas those points in this



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amendment application. “

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2. Learned counsel appearing for the review petitioner would submit that it would be suffice to give liberty to the Revision Petitioner/Review Petitioner to file appropriate petition with the original copy of the Will dated 09.02.1981 and prove the same in accordance with Section 68 of Indian Evidence Act r/w. Section 63 of Indian Succession Act.

3. The petitioner is given liberty to file appropriate petition with the original copy of the Will dated 09.02.1981 and he shall prove the same in accordance with Section 68 of Indian Evidence Act r/w. Section 63 of Indian Succession Act. The above said exercise shall be carried out within a period of four months from the date of receipt of a copy of this order.

4. This Review Application is ordered accordingly. No costs. Connected C.M.Ps., are closed.

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nvsri



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nvsri

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