



C.R.P.(MD)No.3307 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(PD)(MD)No.3307 of 2023

and

C.M.P.(MD)No.17074 of 2023

1.R.Muniyandi

2.M.Abisheha Praisay : Petitioners/Respondents 8 & 9/
Respondents 8 & 9

Vs.

1.G.Niruba Blesse : 1st Respondent/Petitioner/
2nd Petitioner

2.The Manager,
LIC of India, (Branch Code 748),
Madurai City Branch,
Officer No.1, Post Box -26,
Bharath Building H-3,
West Marret Street, Madurai – 625 001.

3.The Manager,
LIC of India, (Branch Code 74 J)
Sivagangai Branch Office,
23/5 Majeeth Road,
Sivagangai – 623 560.



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4.The Assistant General Manager,
State Bank of India,
RASMECCC, Maduram Complex,
No.2, Ambedkar Road,
Madurai – 625 002.

5.The Assistant Elementary Educational Officer,
Madurai West, Anaiyur,
Madurai – 625 017.

6.The Manager,
SBI Life Insurance,
No.215, Theni Main Road,
PP Chavadi, Madurai – 625 016.

7.The Commissioner,
Madurai Corporation,
Anna Maligai, Madurai.

8.The Thasildar,
Madurai North,
Madurai District.

: Respondents 2 to 8/Respondents 1 to 7/
Respondents 1 to 7

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to the order in I.A.No.99 of 2022 in S.O.P.No.8 of 2017 passed by the learned I Additional District Judge, Madurai and set aside the same.

For Petitioners : Mr.M.Dinesh Hari Sudarsan



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ORDER

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The Civil Revision Petition is directed against the order passed in I.A.No.99 of 2022 in S.O.P.No.8 of 2017, on the file of the I Additional District Court, Madurai, modifying the earlier order and for issuing the Succession Certificate in favour of the first respondent.

2. It is seen from the records that the first respondent and her father have earlier filed SOP and after full trial, the learned I Additional District Judge, Madurai, vide order, dated 09.09.2020, has ordered for the issuance of succession certificate.

3. The learned counsel for the petitioners would submit that subsequent to the issuance of succession certificate, they have filed a suit in O.S.No.27 of 2022 to declare that their heirship rights and the first respondent has also filed another suit in O.S.No.401 of 2022 to declare that the legal heir certificate issued by the Revenue Authorities as null and void and both suits are pending. He would further submit that suppressing the pendency of the above suits, the first respondent has filed the above application and obtained orders.



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4. No doubt, the first respondent in the petition filed in I.A.No.99 of 2022 has not disclosed the subsequent proceedings. But the revision petitioners in their counter statement have narrated about the pendency of the suits filed by the both parties.

5. It is pertinent to note that since the succession certificate was issued earlier in favour of the first respondent and her father, since her father died subsequently, she has filed the above petition seeking succession certificate in her favour. It is also pertinent to note that the order passed in S.O.P.No.8 of 2017, dated 20.09.2023, has already become final, as the appeal preferred against the said order was dismissed.

6. The learned trial Judge, taking note of the dismissal of the appeal and without going into the subsequent proceedings pending between the parties, has passed the impugned order issuing succession certificate in favour of the first respondent/petitioner. Since the order passed in S.O.P.No.8 of 2017 has already become final, the impugned order modifying the order taking note of the death of the then first petitioner cannot be found fault with. Hence, this Court concludes that the Civil



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Revision Petition is devoid of merits and the same is liable to be dismissed.

7. At this juncture, the learned counsel for the petitioners would submit that they may be given liberty to raise the objections now raised before the concerned Court.

8. In the result, the Civil Revision Petition is dismissed. The petitioners are at liberty to raise the pleas now raised before the concerned Court. No costs. Consequently, connected Miscellaneous Petition is closed.

20.12.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das

K.MURALI SHANKAR,J.



C.R.P.(MD)No.3307 of 2023

das

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To

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

Order made in
C.R.P.(PD)(MD)No.3307 of 2023
and
C.M.P.(MD)No.17074 of 2023

Dated : 20.12.2023