



CRP No.610 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP No.610 of 2024 and
CMP No.3023 of 2024

1. Moutoulatchoumy
2. Anbajagane
3. Manevijie
4. Tenemojie
5. Illango

... Petitioners

/vs/

V.Arikrishnan

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records of the impugned show cause notice dated 06.01.2024 made in O.S.No.356/2023, on the file of the learned I Additional District Munsif, Puducherry and quash the same.

For Petitioners

... Mr. D.Ravichander

ORDER

This civil revision petition has been filed to quash the impugned show cause notice dated 06.01.2024 issued in O.S.No.356/2023, by the learned I Additional District Munsif, Puducherry.



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2. The petitioners herein are the plaintiffs and the respondent herein is the defendant in the above said suit, which was filed for declaration, declaring that the plaintiffs 1 to 5 are the legal heirs of the deceased Vengadasalame s/o Kesavan, who died on 22.03.2022. The above matter was referred to Lok Adalat, wherein Award was passed on 09.09.2023, declaring that the plaintiffs are the legal heirs of the above said deceased Vengadasalame. Subsequently, on 06.01.2024, the learned I Additional District Munsif, Puducherry has issued the impugned show cause notice to the petitioners, stating that the petitioners/plaintiffs had filed the suit, suppressing the existence of first wife and other legal heirs of the deceased Vengadasalame and had obtained the legal heirship certificate on 09.09.2023 and hence, called upon them to appear before the said court to give their explanation on the show cause notice. Challenging the same, the present civil revision petition has been filed.

3. Heard the learned counsel for the petitioners and I have perused the materials on record.

4. Admittedly, the petitioners herein had filed the above said suit for declaration, declaring that they are the legal heirs of the deceased



Vengadasalame; and after Lok Adalat settlement, legal heirship certificate was also issued in their favour on 09.09.2023. In such circumstances, the learned Trial Judge had issued the show cause notice dated 06.01.2024 as though the petitioners have obtained the legal heirship certificate, without disclosing the existence of the first wife and other children of the deceased Vengadasalame, thereby called upon them to give their explanation.

5. It is argued by the learned counsel for the petitioners that, the said I Additional District Munsif, Puducherry has no jurisdiction to issue such show cause notice and even if it is presumed to be have a jurisdiction, there is no specific averment in the said notice, with regard to the fraud committed by the petitioners. Therefore, the above show cause notice has to be quashed.

6. Admittedly, after filing the suit, the case was referred from the file of the I Additional District Munsif, Puducherry to the Lok Adalat, wherein the Award has been passed, declaring the petitioners are the legal heirs of the deceased Vengadasalame. Therefore, when the above court has come to know that the petitioners have obtained the legal heirs, without disclosing



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V.SIVAGNANAM ,J.

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