



C.R.P.No.2526 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.12.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Civil Revision Petition No.2526 of 2022

1. Vasanthi

2. Pradeep

3. Saranya

.. Revision Petitioners

Versus

1. Sellammal

2. Pappayee

3. S.Saradha

4. Mani

5. Rajammal

6. Arukkani

7. Nalla Goundar

8. Gurusamy

9. Venkatachalam

10. Rajendran

11. Palanisamy

12. Sakunthala

13. Sekar

14. R.Sekar

.. Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India to issue suitable directions directing the learned Principal District Judge, Salem to number the appeal suit in C.F.R.No.13453 of 2022 on the file of the Principal District Court, Salem.



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For Revision Petitioners : Mr. S.Kaithamalai Kumaran

For Respondents : Mr. M.Guruprasad for R2

Mr.Manikandan.J for
R.Marudhachamurthy (R4)

Mr.N.Manokaran for R14

ORDER

This Civil Revision Petition is filed to issue suitable directions directing the learned Principal District Judge, Salem to number the appeal suit in C.F.R.No.13453 of 2022 on the file of the Principal District Court, Salem.

2. This Civil Revision Petition has been preferred against the order passed by the learned Principal District Judge returning the Appeal filed by the Respondent in the final decree, who are the legal heirs of the Defendant-2.

3. It is the contention of the learned Counsel for the Petitioner in Civil Revision Petition that while considering the steps filed by the Petitioner in final decree, the name of the legal heirs of the Defendant-2 before the trial Court, Murugesan was wrongly given by the Petitioner in the final decree. Instead of Pradeep S/o. Murugesan, it was given as Praveen. It was reflected in the decree. After passing of the decree, when the aggrieved legal heirs of the



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Defendant-2 as Respondent in final decree preferred this Appeal, the Appeal memorandum was returned with endorsement that the name of the Appellant-2 shall be rectified before the trial Court.

4. Only for return of this Appeal memorandum, the Civil Revision Petition had been preferred seeking to set aside the returns of the Appellate Court. On considering the submission of the learned Counsel for the Revision Petitioner it is found that if at all there is room for final decree, the same has to be set aside by moving the appropriate application for rectification of the name entered in the final decree passed by the trial Court by filing appropriate petition. Without proper relevant documents as proof of name without which straight away going to the Court by filing C.R.P cannot be accepted by this Court. The petitioner in C.R.P is directed to approach the learned Sub Judge, Salem within a reasonable period of two months from the date of copy of this Order by filing appropriate application with relevant documents.

5. The learned Sub Judge shall on filing such application by the aggrieved party seeking rectification of the fair and decreetal order shall pass appropriate orders after issuing notice to the parties concerned in the decree, directing them to surrender the fair and decreetal order already obtained and to



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rectify the name of the legal heirs of Murugesan and to issue fresh and correct fair and decretal order in the final decree.

6. With the above directions, this Civil Revision Petition is disposed off. No costs.

Mean while Appeal preferred by the Appellants against the final decree, 4th Plaintiff had filed final decree in Appeal Suit also to be presented before the learned Principal District Judge, Salem within a period of two months from the date of receipt of a copy of this order.

16.12.2024

shl
Index : Yes/No
Speaking/Non-speaking order

To

1. The Principal District Judge,
Salem
2. The Section Officer,
VR Section,
High Court of Madras – 600 104.



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SATHI KUMAR SUKUMARA KURUP, J.,

shl

Order in
Civil Revision Petition No.2526 of 2022

16.12.2024