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C.R.P.No.3746 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM :

**THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

**C.R.P.No.3746 of 2024**

Haseena Begum (Deceased)

Thahira Naseeruddin

... Petitioner

Vs

1. Mohammed Naseeruddin

2. S.Zareena Begum

3. S.Shaik Madaar

4. S.Mohammed Razak

5. S.Shaheen Begum

6. S.Shakila Begum

7. S.Nasreen Banu

8. S.Mujibur Rahaman

... Respondents

**PRAYER** : Civil Revision Petition filed under Article 227 of Constitution of India, pleased to direct the learned Additional District Judge, Chengalpattu, to number the petition in I.A.SR.No.489 of 2024 in A.S.No.40 of 2023 against O.S.No.141 of 2017 on the file of the learned Additional District Judge, Chengalpattu, without insisting on filing of legal heir certificate.



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For Petitioner : Ms.Shaikh Mehrunnisa Kasim

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### **ORDER**

This Civil Revision Petition has been filed by the petitioner seeking for a direction to the learned Additional District Judge, Chengalpattu, to number the application in I.A.SR.No.489 of 2024 in A.S.No.40 of 2023, without insisting for the legal heir certificate.

2. It is the case of the petitioner that she is the daughter of one Haseena Begum, who is the defendant in the suit filed by the first respondent/plaintiff in O.S.No.141 of 2017 before the Principal Subordinate Court, Chengalpattu for a relief of declaration and recovery of possession. The suit filed by the first respondent/plaintiff was decreed by the Principal Subordinate Court, Chengalpattu, on 21.03.2022, against which, the petitioner's mother/defendant had preferred a first appeal in A.S.No.40 of 2023 before the Principal District Court, Kancheepuram at Chengalpattu. While the appeal suit was pending, the petitioner's mother has passed away on 06.11.2023, leaving behind the petitioner and her siblings as legal heirs. The petitioner and her siblings are entitled to pursue the appeal suit filed by their mother, thereby, the petitioner has filed an application in



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I.A.SR.No.489 of 2024 before the appellate Court seeking to bring on record the legal heirs of the deceased Haseena Begum. Whereas, the said application was returned by the Additional District Judge, Chengalpattu on 01.03.2024 stating certain reasons and on 20.08.2024, the petitioner, after compliance, has represented the application, however, the application was once again returned on 28.08.2024. Thereby, the present revision petition has been filed seeking to issue direction to the learned Additional District Judge, Chengalpattu, to number the application in I.A.SR.No.489 of 2024 in A.S.No.40 of 2023, without insisting on filing of legal heir certificate.

3. Learned counsel for the petitioner submitted that the petitioner is the daughter of one Haseena Begum, defendant in O.S.No.141 of 2017 and it is also not disputed by the first respondent and further, the other respondents are the siblings of the petitioner. She further submitted that in order to pursue the appeal, the petitioner has filed an application in I.A.SR.No.489 of 2024 before the Additional District Court, Chengalpattu. She also submitted that the petitioner had earlier approached this Court in C.R.P.No.2309 of 2023 and this Court in C.M.P.Nos.15367 & 15368 of 2024 has held that for representing the estate of a



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person, one legal representative is sufficient and in such circumstances, the appellate Court returning the application insisting upon the legal heir certificate, which is yet to be obtained, is not proper. In support of her contention, she has also produced the copy of the order passed by this Court in C.M.P.Nos.15367 & 15368 of 2024 on 23.08.2024, by which this Court had permitted the petitioner to represent as legal heir of her mother, deceased Haseena Begum.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Perusal of record shows that the petitioner is the daughter of Haseena Begum, who is the Appellant in A.S.No.40 of 2023 on the file of the Additional District Court, Chengalpattu. Pending appeal, the appellant/Haseena Begum has passed away on 06.11.2023 and the petitioner, as one of the legal heirs, has filed an application in I.A.SR.No.489 of 2024 to bring her as the legal heir on record. It is not the dispute that the petitioner is the daughter of the said Haseena Begum. Earlier, the said Haseena Begum had filed a civil revision petition before this Court in C.R.P.No.2309 of 2023 and after her demise, the petitioner has filed the



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petitions in C.M.P.Nos.15367 & 15368 of 2024 to implead her as a legal representative of the deceased Haseena Begum and she has also shown her siblings as respondents in the miscellaneous petitions. This Court, by an order dated 23.08.2024, had allowed the petitions in C.M.P.Nos.15367 & 15368 of 2024 and permitted the petitioner to be impleaded as a legal representative of the deceased Haseena Begum.

6. The order passed by this Court in C.M.P.Nos.15367 & 15368 of 2024 in C.R.P.No.2309 of 2023 on 23.08.2024 is extracted hereunder for reference :-

*“The original civil revision petitioner Hasina Begum has died and applications have been taken out to implead her daughter Thahira Naseeruddin as the legal representative and to set aside the abatement. Other legal representatives have been shown as respondents.*

*2. For representing the estate of a person, one legal representative is sufficient. The CMPs are allowed and the petitions are ordered. Office is directed to carry out amendment in the cause title.”*

7. As stated above, it is also the case of the petitioner that the legal heir



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certificate is not yet ready and she has shown her other siblings as respondents in the interlocutory application. In such circumstances, the order of return passed by the appellate Court is not proper. Therefore, this Civil Revision Petition stands allowed and the Additional District Judge, Chengalpattu, is directed to number the application filed by the petitioner in I.A.SR.No.489 of 2024 in A.S.No.40 of 2023 without insisting for the legal heir certificate. No costs.

8. Registry is directed to return the original papers to the counsel for the petitioner forthwith.

**19.09.2024**

Index : Yes / No  
Neutral Citation : Yes / No  
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**Note : Issue order copy on 20.09.2024**



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The Additional District Judge,  
Chengalpattu.



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**A.D.JAGADISH CHANDIRA, J.**

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