



CRP No.4636 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.4636 of 2023
and CMP.No.27637 of 2023

- 1.M.Leelavathi
- 2.M.Balasubramanian
- 3.M.Rajendran
- 4.Menaga
- 5.R.Renuka
- 6.M.Navaneetha Krishnan

... Petitioners

Vs.

- 1.The Tahsildar, Velachery Taluk,
Thiruvanmiyur Village,
Chennai-600 041.
- 2.The District Collector,
Office of the Chennai Collectorate,
Rajaji Salai, 62, Beach Road,
George Town, Chennai-600 001.
- 3.The Health Officer,
Health Department - Chennai Corporation,
Greater Chennai Corporation,
Ripon Building, Chennai-600 003.



CRP No.4636 of 2023

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4.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai-600 003.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 08.09.2023 passed in I.A.No.2 of 2023 in O.S.No.7202 of 2022 on the file of the VIII Assistant Judge, City Civil Court at Chennai.

For Petitioner : Mr.S.Poovendhan

For Respondents : Mr.M.R.Gokulakrishnan,
Additional Public Prosecutor for R1 & R2

M/s.G.Aswini, Standing Counsel
for R3 and R4

ORDER

This Civil Revision Petition has been filed challenging the fair and decreetal order dated 08.09.2023 passed in I.A.No.2 of 2023 in O.S.No.7202 of 2022 on the file of the VIII Assistant Judge, City Civil Court at Chennai.

2. The learned counsel for the petitioners submitted that the petitioners are the plaintiffs and the respondents are the defendants in



O.S.No.7202 of 2022 on the file of the VIII Assistant Judge, City Civil Court at Chennai. The Suit was filed for the following reliefs:

(a) Granting a decree for declaration that the missing P.Murugesa Nadar alias P.Murugesan, the husband of the first plaintiff and father of the plaintiffs 2 to 6 as deemed to be attained civil dead on 06.05.2007.

(b) Granting a consequential decree for declaration that the plaintiffs are the legal heirs of the deceased P.Murugesa Nadar alias P.Murugesan and to pass such other orders.

3. The learned counsel for the petitioners submitted that in order to establish that P.Murugesa Nadar alias P.Murugesan was missing, a criminal complaint has been given at J6, Thiruvannamipur Police Station and an F.I.R. has been registered in Crime No.416 of 2000 and in order to elicit the result of the investigation as well as the missing of P.Murugesa Nadar alias P.Murugesan, the petitioners wants to summon the concerned Inspector of Police and to produce the F.I.R as well as the Non Traceable Certificate for the missing person by filing I.A.No.2 of 2023. The trial Court dismissed the



CRP No.4636 of 2023

said petition, against which the present Civil Revision Petition has been filed.

4. Heard the learned Additional Public Prosecutor for the respondents 1 and 2 and also perused the materials on record.

5. The fact remains that Thiru P.Murugesu Nadar alias P.Murugesan was missing, for which the petitioners/plaintiffs, being the legal heirs, filed a criminal complaint before J6, Thiruvannamiyur Police Station and an F.I.R in Cr.No.416 of 2000 was registered on 10.05.2000. The result of the said investigation has to be produced before the Court and therefore, the rejection of the petition filed by the petitioners for summoning the concerned Inspector of Police and to produce the records pertaining to the said F.I.R, by the trial Court is unsustainable, as those evidence is very much required to decide the issue.



CRP No.4636 of 2023

WEB COPY

6. Therefore, the Civil Revision Petition is allowed and the impugned order dated 08.09.2023 in I.A.No.2 of 2023 in O.S.No.7202 of 2022 passed by the VIII Assistant Judge, City Civil Court, Chennai is set aside. The Trial Court is directed to issue summons to the concerned Inspector of Police to produce the F.I.R. as well as the Investigation / Status Report and decide the case on its own merits. No costs. Consequently, connected miscellaneous petition is closed.

09.01.2024

Index: Yes/No
Internet: Yes/No
Jvm

To

- 1.The VIII Assistant Judge,
City Civil Court, Chennai.
- 2.The Tahsildar, Velachery Taluk,
Thiruvanmiyur Village, Chennai-600 041.
- 3.The District Collector,
Office of the Chennai Collectorate,
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CRP No.4636 of 2023

V.SIVAGNANAM, J.

Jvm

4.The Health Officer,
Health Department - Chennai Corporation,
Greater Chennai Corporation,
Ripon Building, Chennai-600 003.

5.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai-600 003.

CRP No.4636 of 2023

09.01.2024