



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Civil Appellate Jurisdiction

Wednesday, the Seventeenth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice R.VIJAYAKUMAR

C.M.P(MD) No.2829 of 2024

in

C.R.P(MD) No.1483 of 2019

T.Meenakshi,

... Petitioner/ Appellant/ Accused

Vs

1 S.Sennimalai,

2 S.Mariyaraj

... Respondent/Respondent/Complainant

Prayer :-

The Civil Miscellaneous Petition is filed to initiate proceedings under section 151 of C.P.C and the 1st Respondent may be tried by appropriate Court for the offence punishable U/S 192 and 193 of IPC.

ORDER:-

This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru. A.S.Vaigunth, Advocate for the Petitioner and of Thiru. R.Nireshkumar, for the respondents, this Court made the following order:

This petition has been filed to initiate proceedings under Section 195 of Cr.P.C and the first respondent may be tried by appropriate Court for the offence



punishable under Sections 192 and 193 of I.P.C.

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2. The learned Senior Counsel appearing for the first respondent in the revision petition in C.R.P.(MD) No.1483 of 2019 contends that even though the revision petitions are closed on the ground that they have become infructuous, the application for initiation of perjury proceedings as against the power agent of plaintiff would survive on the ground that a fake death Certificate was produced before this Court. Therefore, he seeks for continuation of the said proceedings even after disposal of the main Civil Revision Petitions.

3. It could be seen from the records that a death certificate was circulated across the bar without any Memo being filed through the Registry. Now, a counter has been filed by the power agent contending that the legal heir Certificate produced before this Court is true and not bogus as alleged by the petitioner.

4. The learned Senior Counsel appearing for the petitioner in the perjury application has relied upon the judgments of the Hon'ble Supreme Court in (*Iqbal Singh Marwah and another vs. Meenakshi Marwah and another*) reported in (2005) 4 SCC 370 and *Kishorbhai Gandubhai Pethani Vs. State of Gujarat and another*) reported in (2014) 13 SCC 539 to impress upon the Court that if the documents produced before the Court are found to be tampered, certainly proceedings can be initiated under Section 195 of Cr.P.C.

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5. Considering the fact that the death Certificate was circulated across the bar and not by way of filing any Memo, this Court is of the opinion that the present perjury application cannot be proceeded with as on today. In case, if any application is filed before the Courts below for setting aside the abatement along with the present death Certificate which reflects that Sennimalai had passed away on 26.12.2022 at Coimbatore, the present revision petitioner is at liberty to raise objections as to the genuineness and validity of the death Certificate. That apart, the revision petitioner would be entitled to revive the perjury application before this Court.

6. With the above said observation, this C.M.P(MD) No.2829 of 2024 stands closed.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/06/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)

EBSI

To:

The Additional District Judge, Dindigul.

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ORDER DATED : 17/04/2024

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ORDER

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C.M.P(MD) No.2829 of 2024

in

C.R.P(MD) No.1483 of 2019

Giving direction and etc.
as stated within.

MK/14.06.2024 4P 2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023