



C.R.P(MD)No.2193 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.2193 of 2024
and
C.M.P(MD)No.12455 of 2024

1.P.Karunanithi

2.P.Raja

... Petitioners /
Respondents 1 & 2 /
Plaintiffs 1 & 2

Vs.

1.Devika

... 1st Respondent /
Petitioner /
Proposed Party

2.V.Devika

3.V.Manikandan

4.A.Kumutha

5.B.Nathiya

6.V.Revathi

7.The Tahsildar,
Thanjavur Taluk Office,
Court Road,
Thanjavur.



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8.The District Collector,
Thanjavur Collectorate Office,
Thanjavur.

... Respondents 2 to 8/
Respondents 4 to 10/
Defendants 1 to 7

9.R.Mahalakshmi

... 9th Respondent /
3rd Respondent /
3rd Plaintiff

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 16.04.2024 passed in I.A.No.634 of 2023 in O.S.No.256 of 2021 on the file of Principal District Munsif Court, Thanjavur.

For Petitioners : Mr.M.P.Senthil

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.7 & R.8

ORDER

Heard the learned counsel for the revision petitioners.

2. The plaintiffs in O.S.No.256 of 2021 on the file of Principal District Munsif Court, Thanjavur are the revision petitioners herein. The suit has been instituted seeking declaration that they are the legal heirs of one P.Kumar. According to the plaintiffs, their brother / P.Kumar was



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unmarried and he died on 04.07.2021. The plaintiffs' claim is contested by one Devika and she has been arrayed as the first defendant.

3. The plaintiffs alleged that the first defendant Devika is the wife of one Veeraiyan. Notice was taken to Devika's address. Devika refused the summons. She was set exparte. Subsequently, Devika filed I.A.No. 634 of 2023 to implead her. She has described herself as the wife of Kumar. This Interlocutory Application was allowed by the Court below vide order dated 16.04.2024. Questioning the same, this Civil Revision Petition has been filed.

4. The learned counsel for the revision petitioners submitted that if the impugned order is sustained, there will be two Devikas in the suit figuring as defendants.

5. The learned counsel for the revision petitioners is quite right in his submission, but then this outcome is the plaintiffs own making. They ought to have described Devika as daughter of so and so. When Devika is claiming that she is the wife of Kumar, the revision petitioners



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obviously offended her by describing her as the wife of Veeraiyan.

Therefore she rightly refused the summons. The Court below also cannot be blamed for setting as exparte.

6. In order to tide over the present situation, I direct the Court below to describe Devika as daughter of so and so and she will figure as the first defendant in the suit. To effect this modification, notice need not be issued to the first respondent herein. The rights of the parties will have to be adjudicated based on the evidence to be adduced during trial. Merely because the petitioners have described Devika as the wife of Veeraiyan, that alone will not conclude her status. Likewise, Devika's claim that she is the wife of Kumar is not sufficient to sustain her claim. Both the parties will have to adduce evidence and the Court below will have to finally determine as to who are the legal heirs of the deceased Kumar. It is seen that Devika had already filed O.S.No.243 of 2021 and that it has reached the defense stage. O.S.No. 256 of 2021 can be tagged on to the said suit and the Court below can consider trying both the suits simultaneously.



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7.This Civil Revision Petition is disposed of with the aforesaid modification and direction. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

The Principal District Munsif Court,
Thanjavur.



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G.R.SWAMINATHAN, J.

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