



C.R.P(MD)No.3067 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **10.12.2024**

CORAM

**THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.3067 of 2024
and
C.M.P(MD)No.17480 of 2024

1.Lelin

2.Pilavin Raj Leon

3.Batlin

4.Milan Leon

... Petitioners

Vs.

1.Juliet Mary

2.Sahayam

3.Parimalam

4.Pramila

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and set aside the fair and decreetal order in I.A.No.1 of 2024 in O.S.No.9 of 2020 before the



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learned District Munsif cum learned Judicial Magistrate Court, Rameswaram, dated 06.09.2024 and consequently allow this Civil Revision Petition.

For Petitioners : Mr.K.Chengiz Khan

For Respondents : Mr.G.Vishnuram

ORDER

The present Civil Revision Petition is preferred against the order passed in I.A.No.1 of 2024 in O.S.No.9 of 2020 before the learned District Munsif cum Judicial Magistrate Court, Rameswaram, dated 06.09.2024.

2. The petitioners are the defendants in the above suit. The suit in O.S.No.9 of 2020 was filed by the respondents / plaintiffs for declaring the respondents / plaintiffs as a legal heirs of one Rayappan Leon and to declare the legal heir certificate issued by the Tahsildar as null and void and for mandatory injunction directing the revenue officials to issue legal heir certificate in favour of the respondents / plaintiffs. Pending suit, the petitioners / defendants took out an application under Order VII, Rule 11



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of the Code of Civil Procedure, 1908 to reject the plaint stating that the respondents / plaintiffs are not the legal heirs of the deceased Rayappan Leon. The said application was resisted on the side of the respondents / plaintiffs. The Trial Court dismissed the said application vide its order, dated 06.09.2024. Assailing the said order, the present revision is preferred.

3. The learned Counsel appearing for the revision petitioners would submit that as per the Indian Succession Act, 1925, multiple marriages of a Christian is not permitted and therefore, the plaintiffs are not entitled to any relief in the above suit. The plaintiffs have no *locus standi* to file the suit as a legal heirs of Rayappan Leon; that the plaintiffs have not produced any single document to prove the marriage between the said Rayappan Leon and the first respondent herein and that the petitioners / defendants are entitled to file an appeal against the issuance of legal heir certificate in favour of the plaintiffs and therefore, the above suit is liable to be rejected.



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4. The said contention of the learned Counsel appearing for the petitioners was resisted on the side of the respondents.

5. The learned Counsel appearing for the respondents would submit that only on due enquiry the legal heir certificate was issued in favour of the plaintiffs and the plaintiffs are the legal heirs of the deceased Rayappan Leon. The same can be established only by adducing oral and documentary evidence and therefore, the present revision is liable to be dismissed.

6. Heard the learned Counsel for the petitioner and the learned Counsel for the respondents and perused the materials available on record.

7. The suit in O.S.No.9 of 2020 was filed by the plaintiffs as the legal heirs of the deceased Rayappan Leon. The contention of the revision petitioners is that the plaintiffs are not the legal heir of Late Rayappan Leon. The above facts requires adjudication. Only by adducing



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evidence it can be ascertained whether the plaintiffs are the legal heirs of Late Rayappan Leon or not. At the stage of Order VII, Rule 11 of CPC petition, the same cannot be established. Therefore, the Trial Court has rightly dismissed the application filed by the revision petitioners which calls for no interference. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

10.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

The District Munsif cum learned Judicial Magistrate Court,
Rameswaram.

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K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
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10.12.2024