



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRP No. 171 of 2023

Janaki (deceased)

1.Kalaiselvi

2.Chinnaponnu

.....Petitioners

Vs

1.Selvaraj

2.The Sub-Registrar
Sub-Registration Office
Irumbulikulurichi
Sendurai Taluk
Ariyalur District.

3.The District Collector
Ariyalur

4.The Tahsildar
Sendurai Taluk
Ariyalur Taluk

..... Respondents



Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.3 of 2021 in O.S.No.596 of 2019 dated 04.08.2022 by the District Munsif-cum-Judicial Magistrate Court, Sendurai.

For Petitioner: Mr.R.Abdul Rahman
for Mr.S.Kannan

For Respondents: Mr.P.Gurunathan for R2 to R4
Additional Government Pleader
(C.S.)

ORDER

This petition has been filed seeking to set aside the order passed in I.A.No.3 of 2021 in O.S.No.596 of 2019 dated 04.08.2022 by the District Munsif-cum-Judicial Magistrate Court, Sendurai.

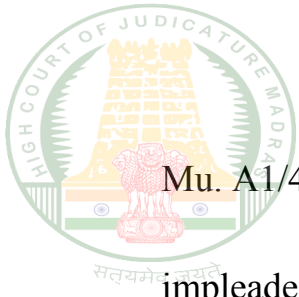
2. One Janaki, who had no issues, filed a suit in O.S.No.596 of 2019 seeking for declaration against the first respondent/defendant namely Selvaraj stating that the sale deed dated 07.01.2011 was obtained by fraud and consequentially for mandatory injunction to cancel the entries from the revenue records. While the suit was pending, Janaki passed away, leaving behind no legal heirs. The petitioners, claiming to be the legal heirs of deceased Janaki,



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had filed an application seeking to implead them as second class legal heirs of the deceased Janaki along with the application under Section 5 to condone the delay of 38 days. The first respondent had filed a counter contending that the proposed plaintiff/petitioners have no right to contest the case and that they have not produced any documents to prove that they are the second class legal heirs of deceased Janaki. The trial Court finding that no documents were produced to show that the petitioners are the legal heirs of Janaki, had dismissed the application, against which, the present Civil Revision Petition has been filed.

3. Learned counsel for the petitioners would submit that the deceased Janaki has no issues and petitioners herein being close relatives of the deceased Janaki, are the second class legal heirs of the deceased Janaki and they had applied for legal heir certificate and they also filed a petition seeking to contest the suit filed by the said deceased Janaki. However, as they were unable to produce the same before the trial Court, the trial Court dismissed the application. He would further submit that now the petitioners have obtained legal heirship certificate issued by the Tahsildar, Senthurai in document no. Pa.



Mu. A1/465/2023, dated 09.03.2023, therefore, the petitioners are entitled to be

impleaded as plaintiff in the suit and they, being second class legal heirs of the

plaintiffs, are entitled to contest the suit.

4. Despite service of notice to the first respondent and his name being printed in the cause list, there is no appearance for the first respondent and thereby, this Court had directed the matter to be posted under the caption for orders.

5. Mr.P.Gurunathan, learned Additional Government Pleader appearing for R2 to R4 on instructions submitted that the petitioners have been issued with necessary legal heir certificate, stating that the petitioners are second class legal heirs of the deceased Janaki.

6. The scanned copy of the legal heir certificate of the deceased Janaki dated 09.03.2023 is, shown hereunder:



PIC
21/4/23

வருவாய்த்துறை



ப.மு.அ1/465/2023
நாள்: 09.03.2023

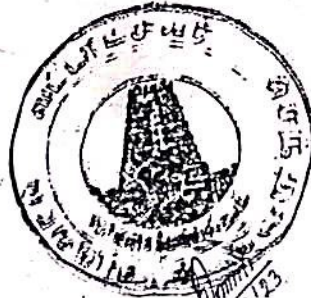
வட்டாட்சியர் அலுவலகம்,
செந்துறை.

வாரிசு சான்று

அரியலூர் மாவட்டம், செந்துறை வட்டம், செந்துறை மதுரா, நெய்வனம் கிராமத்தைச் சேர்ந்த ராமசாமி மனைவி திருமதி.ஜானகி என்பவர் 25.04.2021 அன்று கிழந்ததுவிட்டார். கிழந்தபோது திருமதி.ஜானகி என்பவருக்கு கீழ்க்கண்ட நபர்கள் மட்டுமே கிரண்டாம் நிலை வாரிசுகாரர்கள் ஆவார்கள்.

வ. எண்	வாரிசுகாரர்பெயர்	கிழந்தவருக்கு உறவுமுறை	வயது
1.	திருமதி.சின்னப்பொண்ணு, க/பெ.ரெங்கசாமி	கணவரின் தம்பி மனைவி	72
2.	திருமதி.கலைச்செல்வி, க/பெ.குமார்	கணவரின் தம்பி மகள்	48
3.	திரு.செல்வராஜ், த/பெ.ரெங்கசாமி	கணவரின் தம்பி மகன்	53

கிந்த 2-ம் நிலை வாரிசு சான்று செந்துறை மாவட்ட உரிமையியல் மற்றும் குற்றவியல் நீதித்துறை நடுவர் நீதிமன்ற அசல் வழக்கு எண்.59/2021 (CNR.No.TNALOE-001037-2021) -ன்பேரில் 26.10.2022 அன்று பிறப்பிக்கப்பட்டுள்ள தீர்ப்புரையின்படி வழங்கப்படுகிறது.



வட்டாட்சியர்
செந்துறை
09/03/23

பெறுநர்.

திருமதி.கலைச்செல்வி,
க/பெ.குமார்,
பழைய காவல் நிலையம் தெரு,
உடையார்பாளையம் வட்டம் (ம) கிராமம்,
அரியலூர் மாவட்டம்.



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7. In view of the legal heirship certificate produced by the revision petitioners and the submissions made by the learned Additional Government Pleader, this Court is of the view that the revision petitioners are entitled to be impleaded as the legal heirs of the deceased Janaki and also entitled to contest the suit.

8. Accordingly, the Civil Revision Petition is allowed. The order of the trial Court passed in I.A.No.3 of 2021 in O.S.No.596 of 2019 dated 04.08.2022 is set aside. Consequently, the suit in O.S.No.596 of 2019 is restored. The trial Court shall issue notice to the respondent and proceed with the trial, after impleading the revision petitioners as legal heirs of the plaintiffs in the above suit. No orders.

24.04.2025

msv

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The District Munsif-cum-Judicial Magistrate Court, Sendurai



2.The Sub-Registrar
Sub-Registration Office
Irumbulikulurichi
Sendurai Taluk
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3.The District Collector
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