

C.R.P. (PD) No.1012 of 2025

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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 12.03.2025

CORAM:

THE HONOURABLE MS. JUSTICE P.T.ASHA

C.R.P. (PD) No.1012 of 2025
and C.M.P.No.5885 of 2025

1. Francis Regina
2. Sridhar
3. Sethuraman

...Petitioners

Vs

1. A,Arokyamary
2. A.Gopinathan
3. S.Uma Maheswari
4. The Tahsildar,
No.3, Raja Muthaiah Road,
Kannappar Thidal, Periyamet,
Chennai 600 003.
5. T.Kalaiselvi

...Respondents

PRAYER: Civil Revision Petition filled under Article 227 of Constitution of India to set aside the order dated 04.02.2025 passed in I.A.No.08 of 2023 in O.S.No.9341 of 2021 on the file of Learned XX Assistant City Civil Court, Chennai.



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For Petitioners : Mr.K.N.Nataraj
For Respondent-4 : Mr.T.Arunkumar, AGP

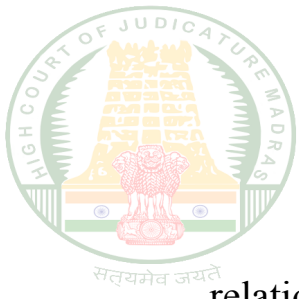
ORDER

Challenging the dismissal of the application filed by them under Order 7 Rule 11 of C.P.C, the defendants 2 to 4 are before this Court.

2. The facts are briefly set out herein below.

(i) The respondent 1 to 3 /plaintiffs had filed the suit O.S.No.9341 of 2021 on the file of the XX Assistant Judge, City Civil Court, Chennai seeking the relief of a declaration that the plaintiffs and the 5th defendant are the legal heirs of late Antony.

(ii) The plaintiffs would submit that their father, Antony had married the 1st plaintiff on 15.10.1969 and out of the wedlock, the 5th defendant and the plaintiffs 2 and 3 were born. The 2nd defendant was in a relationship with the said Antony and out of this



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relationship, the defendants 3 and 4 were born. When the relationship between the said Antony and the 2nd defendant came out in open the 1st plaintiff filed a petition against her husband, Antony for maintenance in M.C.No.34 of 1984 and by order dated 20.08.1984, a sum of Rs.375/- was directed to be paid as maintenance. In the said M.C proceedings, late Antony has himself admitted that the 1st plaintiff was his wife and the 5th defendant and plaintiffs 2 and 3 are his children born through the 1st plaintiff.

(iii) After a period of time, the late Antony once again resumed residence with his 1st wife/1st plaintiff and he had on 04.10.2021 made a settlement in favour of his children. He passed away on 21.06.2019. The plaintiffs would submit that when they had approached the 1st defendant for issuing legal heirship certificate, he had refused to do so and therefore, they have come forward with the suit in question.



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3. On entering appearance and after filing the written statement, wherein the 1st defendant had clearly admitted as follows in paragraph 8.

“8. The 1st defendant submit that in view of the death of Mr. Anthony, the plaintiffs and the defendants 3 and 4 are entitled to be declared as legal heirs of deceased Anthony. However, the first defendant is prepared to comply with any direction of this Hon'ble Court in this regard.”

4. The plaintiffs have forward with the impugned application for rejecting the plaint.

5. The only ground on which the rejection is sought for is that the Tahsildar is not competent to issue the legal heirship certificate and therefore, it is the contention of the petitioners/defendants 2 to 4 is that the suit is flawed.



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6. The said application was dismissed by the learned XX Assistant Judge, City Civil Court, Chennai by his order dated 04.02.2025. Challenging the same, the petitioners/defendants 2 to 4 are before this Court.

7. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondent-4.

8. As stated supra, in the very written statement, the 1st defendant has clearly admitted that the plaintiffs and the respondents 3 and 4 are the legal representatives of the deceased Antony. That apart, the suit that is filed is one for a declaration that the plaintiffs and the 5th defendant are the legal representatives of the deceased Antony and not for a direction to the Tahsildar to issue a legal heirship certificate. Therefore, I see no reason to interfere with the



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order passed by the learned XX Assistant Judge, City Civil Court, Chennai. Accordingly, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.03.2025

Index: yes/no

Speaking Order: Yes/No

srn

To

The XX Assistant City Civil Court, Chennai.



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P.T.ASHA, J.

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