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CMP NO. 28162 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

SA SR NO. 116630 OF 2021

and CMP NO. 28162 of 2024

SAROJA

W/o. Ramasamy, NO.1/38, Uduppam village,
Uduppam Post, Chellappampatti Vazhi,
Namakkal Taluk and District

Appellant(s)

Vs

RAMASAMY(Died),1. The Special Thasildar
(Land Acquisition)National Highways Unit 1
and 2 Gandhi Nagar, namakkal Town and
taluk and another

Respondent(s)

SA SR NO. 116630 of 2021:

SAROJA

Appellant(s)

Vs

RAMASAMY

Respondent(s)

PRAYER in CMP No. 28162 of 2024: Petition filed under Section 151
of the Code of Civil Procedure to accept the cause title in the above
SA.SR.No.11630 of 2021.



PRAYER in S.A.SR.No.116630 of 2021: Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 20.12.2019 passed by the learned Principal District Judge, Namakkal confirming the Judgment and Decree dated 26.07.2017 passed by the learned Subordinate Judge, Namakkal.

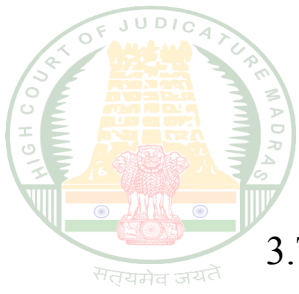
For Appellant(s) : Mr.V.K.Vijayaragavan

For Respondent(s) : Mr.A Muthukumar

JUDGMENT

This Civil Miscellaneous Petition has been filed to accept the cause title in the above Second Appeal.

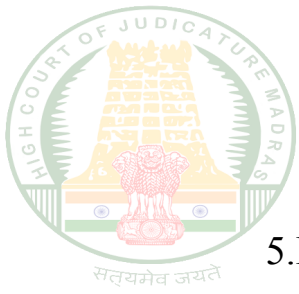
2.The learned counsel for the petitioner submitted that the petitioner Saroja is the only legal heir of the deceased Ramasamy and there is no other legal heir to him. Accordingly, he prayed to accept the cause title.



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3.The learned counsel for the respondents submitted that on behalf of one Chandra, who is claiming the wife of the deceased Ramasamy, raised objections stating that the said Chandra is the legally wedded wife of the deceased Ramasamy and after his demise, she is receiving the Family Pension along with her two daughters, namely, Jayakumari and Udhayakumari. Further, the Courts below have rendered findings stating that as per the Service Records marked as Ex.X.2, the deceased Ramasamy gave particulars of the legal heirs, namely, Chandra as his wife and Jayakumari and Udhayakumari as their two daughters.

4.Considering the same, the Courts below have not accepted the claim of the petitioner Saroja who claimed herself as the wife of the deceased Ramasamy and accordingly, the suit was dismissed. Therefore, the reasons stated by the petitioner Saroja is not acceptable.



5.Hence, the findings of the Courts below as well as the objections of Ramasamy who died leaving behind his wife Chandra and Jayakumari and Udhayakumari as their two daughters are confirmed. Permission is granted to implead Chandra as the wife of the deceased Ramasamy and Jayakumari and Udhayakumari as their two daughters, who are the legal heirs of the deceased Ramasamy and proceed with the matter if necessary.

Accordingly, this Civil Miscellaneous Petition is dismissed and the Second Appeal in SR Stage is rejected. No costs.

21-04-2025

mps

To

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1.The Principal District Judge,
Namakkal.

2.The Subordinate Judge,
Namakkal.

3.The Special Tahsildar,
(Land Acquisition) National Highways, Unit 1 and
2, Gandhi Nagar,
Namakkal Town and Taluk.

4.The District Collector,
Thiruchengode Road,
Namakkal Town and District.



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T.V.THAMILSELVI, J.

mps

SA SR NO. 116630 OF 2021

and

CMP NO. 28162 of 2024

21.04.2025