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C.R.P.(PD)Nos.5161 & 5357 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)Nos.5161 & 5357 of 2024

In both CRPs.

Palanisamy

.. Petitioner

Vs

1.S.Latha

2.Geetha @ Geetharani

3.P.Padmavathi

4.P.Balakrishnan

5.P.Damodarasamy

.. Respondents

COMMON PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 06.07.2024 made in I.A.Nos.7 & 6 of 2024 in O.S.No.1312 of 2019 on the file of the III Additional District Munsif Court at Coimbatore.



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In both CRPs.

For Petitioner : Mr.K.Balasubramaniam

COMMON ORDER

These civil revision petitions arise against the order passed by the learned III Additional District Munsif at Coimbatore in I.A.Nos.7 & 6 of 2024 in O.S.No.1312 of 2019, dated 06.07.2024.

2. The civil revision petitioner is the 1st defendant in the suit. O.S.No.1312 of 2019 is a suit for the following reliefs:

“(a). Declaring that the plaintiff S.Latha is the legal daughter of defendants 1 & 2.

(b) Grant cost of the suit.”

3. It is the case of the plaintiff that the defendants 1 & 2 entered into a marriage in the year 1979 and from the wedlock, she was born on 05.10.1981. On 14.12.2013, as disputes arose between the parties, a notice was issued by the plaintiff which was replied to by the civil revision petitioner. The plaintiff pleaded when she conducted the puberty ceremony of her daughter, the 1st defendant had participated in the same in the capacity of the child's grand father. She pleaded, due to the



instigation of the alleged second wife of the 1st defendant, he started denying the relationship between himself and the plaintiff. Therefore, she came forth with the suit.

4. The 2nd defendant filed a written statement in support of the plaintiff.

5. The 1st defendant filed a statement denying the relationship between the plaintiff and himself. He, *inter alia*, pleaded that the birth certificate of the plaintiff points out that, as if her name is Latha, whereas the school certificate states her name is Padmavathi. She allegedly changed her name from Padmavathy to Latha, pursuant to a notification in the gazette on 19.04.2017. He pleaded that the entire idea of presentation of the suit is to grab the property that he has and to claim a relationship which never existed. Hence, he sought for dismissal of the suit.

6. On the basis of these pleadings, the Court framed the issues on 14.09.2021 and the parties were pushed to trial. P.W.1 examined herself on 05.01.2023 and she was also cross-examined by the civil revision petitioner on 21.09.2023. After examination of another witness one



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Prabakaran, S/o.Raju, the evidence on her side was closed. Thereafter, the 1st defendant commenced his deposition and his evidence was closed on 28.11.2023.

7. During the course of trial, the plaintiff marked Ex.A13, a Community Certificate which had been issued by the Zonal Deputy Tahsildhar, Thondamuthur in Coimbatore District. The 1st defendant wanted to re-open the evidence in order to examine the said authority, in order to examine the veracity of the certificate issued by him. Hence, he filed the applications for re-opening his evidence and to summon the Zonal Deputy Tahsildhar, Thondamuthur, to produce the relevant Community Certificate issued by him and also to issue summons to the Commissioner, Coimbatore Corporation.

8. These applications were resisted by the plaintiff stating that Ex.A1 and Ex.A13 had already been proved by the plaintiff and no suspicion had been raised as regards those documents. It is only at the fag end stage of the trial that these applications were filed to drag on the proceedings.

9. The learned Trial Judge, by an order dated 06.07.2024,



dismissed both the applications. Hence, these revisions.

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10. I heard Mr.K.Balasubramaniam for the civil revision petitioner.

11. Mr.K.Balasubramaniam pleads that as there is a difference in the name as well as in the date of birth as given in the certificate issued by the Zonal Deputy Tahsildhar, there is a necessity to examine the said authority. He states that the plaintiff belongs to Schedule Caste community, whereas the certificate issued to the plaintiff shows as if she belongs to Kongu Vellalar community. Therefore, he pleads that it is essential to examine the Zonal Deputy Tahsildhar, Thondamuthur as well as issue summons to the Commissioner, Coimbatore Corporation, as regards the birth certificate.

12. I have carefully considered the submissions of the civil revision petitioner and perused the entire records.

13. The suit does not relate to the validity or otherwise of a Community Certificate. The case of the plaintiff is that she was born to the 1st and 2nd defendants. A Court, while dealing with such a suit, does



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not merely rely upon the records from the revenue authorities. Something more has to be let into prove the paternity.

14. By the mere fact that the Tahsildhar is going to depose as regards the validity or otherwise of the certificate issued by him, it is not going to help the defendants in the suit. In any event, the Community Certificate issued by the Tahsildar is not the subject matter of the litigation. Since the evidence of the defendants had been closed, at the least, a year ago, I am not inclined to entertain the revisions.

15. Both the civil revision petitions stand dismissed. No costs.

02.01.2025

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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To



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III Additional District Munsif Court at Coimbatore.

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V. LAKSHMINARAYANAN,J.



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