



C.M.A.(MD) No.808 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2025

CORAM:

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

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- 1.Shakila Rani
- 2.Aiswarya Laxmi
- 3.Vishnu

... Appellants/Petitioners

Vs.

- 1.Indian Bank,
Represented by its Branch Manager,
No.130, O.A. Street, Pallathr Branch,
Pallathur,
Sivagangai District.
2. Repco Bank,
Represented by its Branch Manager,
Shree Betha Perumal Kadari Amman Complex,
1st Floor, 45 Shanmugaraja Road, Karaikudi,
Sivagangai District.
3. Lakshmi Vilas Bank
Represented by its Branch Manager, No.65/66,
Koviloor Road, Karaikudi,
Sivagangai District.
- 4.City Union Bank,
Represented by its Branch Manager,
Krishan Arcade, 333/1, Sekkalai Road, Karaikudi,
Sivagangai District.



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5.Tamil Nadu Grama Bank

Represented by its Branch Manager, Kothadi
(65078) 415/1 Kundrakudi Road, Karaikudi,
Sivagangai District.

6.Mookkan

Prayer: This Civil Miscellaneous Appeal is filed under Section 384 of the Indian Succession Act, 1925, to set aside the fair and decreetal order dated 29.10.2024 in S.O.P.No.39 of 2024 on the file of the Principal District Court, Sivagangai.

For Appellant : Mr.R.G.Shankar Ganesh

For Respondents : Mr.C.Karthik for R1

JUDGMENT

This civil miscellaneous appeal has been filed to set aside the fair and decreetal order dated 29.10.2024 in S.O.P.No.39 of 2024 on the file of the Principal District Court, Sivagangai.

2.The learned Principal District and Sessions Judge, Sivagangai, has passed the following order in the above S.O.P.No.39 of 2024:-

“This is the petition filed by the petitioners seeking for issuance of Succession Certificate u/s. 372 of Indian Succession Act.

Heard both. The parties are directed to



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appear today. Since, there is a rival claim between the petitioners 1 to 3 and the 6th respondent Mookkan, based on the alleged Will executed by Late.Dharmalingam in favour of the petitioners and also in favour of the 6th respondent by way of two separate Wills and the matter is being agitated before the Additional District Court, Sivagangai in O.S.No.98 of 2022 pending for adjudication. Therefore, at this stage the present S.O.P. being summary in nature is not maintainable as the parties are claiming right only based upon the Wills and the nominations made pursuant to the same. Therefore, the parties are allowed to agitate their right before the civil forum and the present S.O.P being summary in nature, this Court cannot go into the genuineness of the Will and right of the parties claiming under the Will. Therefore, the present S.O.P is dismissed. The parties are allowed to agitate their right before the suit in O.S.No.98 of 2022.”

3.In view of the pendency of a suit, in which, the comprehensive issue relating to the legal heirs of the Late Dharmalingam is pending, this Court is of the view that the learned Principal District and Sessions Judge,



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has correctly dismissed the SOP.

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4. Accordingly, this civil miscellaneous appeal stands dismissed. No costs.

07.08.2025

NCC :yes/No

Index :yes/No

Internet:yes/No

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To

1. The Principal District and Sessions Judge, Sivagangai.

2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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K.K. RAMAKRISHNAN, J.

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