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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2025

CORAM:

THE HON'BLE MR. JUSTICE S.SOUNTHAR

Rev.Aplc(MD)Nos.56 to 58 of 2024

1.Chandrasekar (died)
2.Anbu Gnanam
3.Lilly Rajam
4.Jospeh
5.Michael Raj ... Petitioners
(in all petitions)

Vs.

1.Jesukaran Saloman
2.Seeni Vaithilingam
3.J.P.Ramya Rajakumari ... Respondents
(in all petitions)

Common Prayer: Review Applications filed under Order XLVII Rule 1 and 2 r/w Section 114 of C.P.C., to review the order passed by this Court in C.M.P(MD)No.1163 to 1165 of 2017 in S.A(MD)No.1004 of 2005, dated 02.01.2023.

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(in all petitions)
For Petitioners : Mr.J.Ashok

ORDER

These Review Applications are filed seeking to review the order passed by this Court, dismissing the petitions in C.M.P(MD)No.1163 to 1165 of 2017, on the ground that the legal representative petitions filed by the Class-II heirs were not maintainable.

2. A perusal of the order sought to be reviewed would indicate that the petitions in CMP(MD)Nos.1163 to 1165 of 2017 were dismissed by giving two reasons. The earlier legal representative petitions filed by the petitioners in M.P(MD)Nos.1 to 3 of 2012 were dismissed on the ground that the wife of the deceased Chandrasekar, viz, Ramya was alive and hence, the Class-II legal heirs could not come on record as legal representatives of the deceased. Without challenging the said order and without seeking restoration of M.P(MD)Nos.1 to 3 of 2012, the petitioners have filed another set of legal representative petitions in CMP(MD) Nos. 1163 to 1165 of 2017. The second set of CMP(MD)Nos.1163 to 1165 of

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2017, filed by the petitioners were dismissed by this Court on the ground that the Class-II heirs cannot maintain those applications, since the class-I legal heir (the wife of the deceased) was alive. Now the present review applications are filed stating that the parties are Chritians and therefore, even if the wife of the deceased is alive, the petitioners are entitled to come on record in their capacity as siblings of the deceased.

3. In the normal course, this Court would have issued notices to the respondents and heard them on the point raised by the petitioner/s with regard to the applicability of the personal law.

4. However, in the case on hand, earlier set of legal representative petitions filed by the petitioners in M.P(MD)Nos.1 to 3 of 2012 were also dismissed on the ground that Class-I heir was alive at the relevant point of time. Without challenging the order passed in M.P.(MD)Nos.1 to 3 of 2012, the petitioners are not entitled to file another set of legal representative petitions. Therefore, the first reason given in the order sought to be reviewed for dismissing the legal representative petitions is still sustainable. Hence, the review applications are dismissed. The

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petitioners are at liberty to seek review of the order passed by this Court in M.P(MD)Nos.1 to 3 of 2017 or challenge the same in the manner known to law.

26.08.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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S.SOUNTHAR, J.

das

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