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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(MD)No.1180 of 2025

Jamuna Rani

...Petitioner/Petitioner

Vs.

1.Tamilselvi
2.S.P.Ramani
3.Uma Devi
4.Murali
5.Partha Sarathi
6.Veera Balaji
7.Krishnaveni

...Respondents/Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Docket order passed in Trust O.P.in filing the S.R.No.183 of 2025, on the file of Principal District and Sessions Judge, Srivilliputhur, dated 17-03-2025, and consecutively direct the Principal District and Sessions Judge, Srivilliputhur, to main number the Trust O.P in filing S.R.No.183 of 2025, for further adjudication.

For Petitioner : Mr.S.M.Ramasiva

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ORDER

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The petitioner in Trust O.P.SR.No.183 of 2025, on the file of the Principal District and Sessions Court, Srivilliputhur, has filed the present revision petition challenging the docket order passed by the Court on 17.03.2025.

2.A perusal of the docket order reveals that the Court has raised an objection with regard to maintainability of the first prayer sought for by the revision petitioner.

3.The petitioner has sought for declaration, to declare the Will, dated 22.02.1996, as null and void and not binding upon the petitioner. As per the return order passed by the Principal District and Sessions Court, Srivilliputhur, the said prayer is not maintainable in Trust O.P. Challenging the same, the present revision petition has been filed.

4.This Court is of the considered opinion that the original petition having been filed under Section 34 of the Indian Trusts Act, 1882, the Court do not have any adjudicatory jurisdiction to declare the Will dated 22.02.1996. In such circumstances, the objection raised by the learned Principal District and Sessions Judge, Srivilliputhur, is sustainable.



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5.The learned Counsel appearing for the revision petitioner, on instructions, submits that after deleting the prayer for declaration, he would re-present the Trust O.P. and Trust O.P. may be numbered by the Court.

6.Recording the above said submissions, the revision petition stands disposed of with a direction to the Principal District and Sessions Judge, Srivilliputhur, to number the Trust O.P. if the first prayer stands deleted. However, it is made clear that the petitioner is at liberty to initiate appropriate independence proceedings challenging the Will deed, dated 22.02.1996, if she is so advised.

7.With the above said observations, this Civil Revision Petition stands disposed of. No costs.

16.04.2025

Internet:Yes/No
Index:Yes/No
RJR



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R.VIJAYAKUMAR, J.

RJR

To

The learned Principal District and Sessions Judge,
Srivilliputhur.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

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