



C.R.P.(PD)(MD)No.1137 and 1138 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.1137 and 1138 of 2021

and

C.M.P.(MD).Nos.6637 and 6640 of 2021

C.R.P.(MD)No.1137 of 2021

C.Balagurusamy

.. Petitioner

Vs.

1.Bharani
2.Kalaipriya

Dhanuskodi Ammal (died)

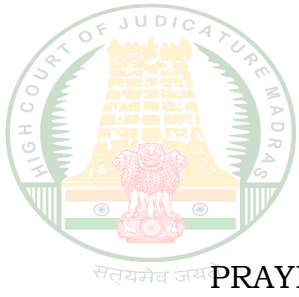
3.The Medical Officer,
Government Hospital,
Thirumangalam,
Madurai District.

4.The Director,
Directorate of Medical Science & Family Welfare,
DMS Complex, Teynampet,
Chennai.

S.Chellamuthu Thevar (died)

5.C.Chellapandian
6.S.Chellamani
7.R.Santhanamariamammal

.. Respondents



C.R.P.(PD)(MD)No.1137 and 1138 of 2021

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the petition and order dated 01.02.2020 passed in S.O.P.No.4 of 2008 on the file of the Principal Sub Court, Madurai (now renumbered as S.O.P.No.1 of 2020 on the file of the Sub Court, Thirumangalam) and direct the case to be re-transferred to the file of the Principal Sub Court, Madurai.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.P.T.Thiraviam (RR3 and 4)

No appearance for RR1, 2, 5 to 7

C.R.P.(MD)No.1138 of 2021

C.Balagurusamy

.. Petitioner

Vs.

1.Bharani

2.The Joint Director,
Medical & Rural Welfare Services and Family Welfare,
Usilampatti, Usilampatti Taluk.

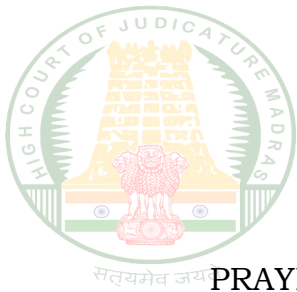
3.The Medical Officer,
Government Hospital,
Thirumangalam.

4.C.Chellapandian

5.S.Chellamani

6.R.Santhanamariamman

.. Respondents



C.R.P.(PD)(MD)No.1137 and 1138 of 2021

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the petition and order dated 01.02.2020 passed in S.O.P.No.44 of 2009 on the file of the Principal Sub Court, Madurai (now renumbered as S.O.P.No.2 of 2020 on the file of the Sub Court, Thirumangalam) and direct the case to be re-transferred to the file of the Principal Sub Court, Madurai.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.P.T.Thiraviam (RR2 and 3)

No appearance for RR1, 4 to 6

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COMMON ORDER

The petitioner has filed a Succession Original Petition in S.O.P. No.4 of 2020 on the file of the Principal Sub Court, Madurai, and the same was transferred and renumbered as S.O.P.No.1 of 2020 on the file of the Sub Court, Thirumangalam. Similarly, the first respondent, Bharani, who claimed to be the wife of the deceased, also filed S.O.P.No.44 of 2009 on the file of the Principal Sub Court, Madurai, and the same was transferred and renumbered as S.O.P.No.2 of 2020 on the file of the Sub Court, Thirumangalam. In the said SOP, the petitioner herein is arrayed as the third respondent. Challenging the said transfers, these civil revision petitions are filed.

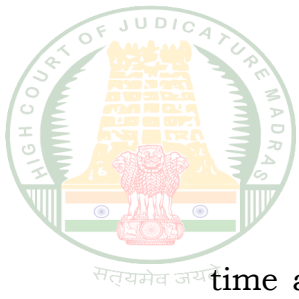


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2. The learned counsel for the petitioner would submit that the petitioner is the brother of the deceased Chellamuthu. The first respondent/Bharani, who claimed to be the wife of the deceased Chellamuthu, left the matrimonial home by deserting the deceased Chellamuthu and remarried, and hence, she is not entitled to any claim. The second respondent/Kalaipriya was not born out of the wedlock of the petitioner's brother Chellamuthu and Bharani, and she was born out of the second marriage of the first respondent/Bharani along with one Ponraj. Hence, the said Kalaipriya is not entitled to any claim. The petitioners are the brother, sisters and mother of the deceased Chellamuthu, and they filed a Succession Original Petition in their residential jurisdiction of the Principal Sub Court, Madurai. Whereas, the said Kalaipriya is residing at Thirumangalam. For that purpose, the Principal Sub Court, Madurai, transferred both the Succession Original Petitions to the Thirumangalam which is unsustainable. Hence, the learned counsel seeks to allow these petitions.

3. This Court perused Section 372 of the Indian Succession Act, 1925. An application for a succession certificate shall be made to the District Judge, by a petition signed and verified by the applicant or their representative, and the petition must include details like the



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time and place of the deceased's death, their ordinary residence and family members. Though the petitioner claimed that he is the brother of the deceased and the first respondent/Bharani and Kalaipriya are not the legal heirs of the deceased, such an issue can be decided only by the jurisdictional Court. In the present case, the said Kalaipriya, who is allegedly the daughter of the deceased, is residing in Thirumangalam. Therefore, the transfer from Madurai to Thirumangalam need not be interfered with. The Sub Judge, Tirumangalam, is directed to dispose of the above-said Succession Original Petitions after providing a reasonable opportunity of hearing to both the parties and pass orders.

4. In the result, these civil revision petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11.06.2025

Internet:Yes/No

Index:Yes/No

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To

1.The Principal Sub Judge, Madurai.

2.The Sub Judge, Tirumangalam.

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

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M.DHANDAPANI, J.

skn

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and
C.M.P.(MD).Nos.6637 and 6640 of 2021

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