



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD](MD)No.1865 of 2025

and

C.M.P.(MD)No.10307 of 2025

Isreal John

...Petitioner

Vs.

1.Annammal

2.Martin

3.Amala

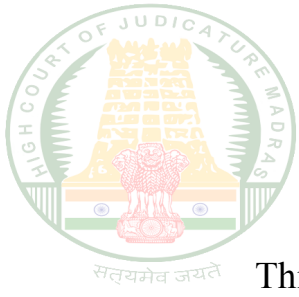
4.Jessy

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to call for the records relating to the orders passed in I.A.No.324 of 2024 dated 27.01.2025 in O.S.No.467 of 2018 on the file of the District Munsif cum Judicial Magistrate Court, Alangudi and set aside the same.

For Petitioner

: Mr.P.Prabhakaran



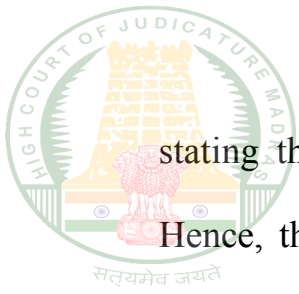
ORDER

This Civil Revision Petition has been filed to set aside the order dated 27.01.2025 passed in I.A.No.324 of 2024 in O.S.No.467 of 2018 on the file of the District Munsif-cum-Judicial Magistrate Court, Alangudi.

2. The respondents/plaintiffs filed a suit in O.S.No.467 of 2018 on the file of the District Munsif-cum-Judicial Magistrate Court, Alangudi, seeking a declaration that they are the legal heirs of late S. Gnanapragasam, for the purpose of obtaining a succession certificate to receive family pension and other monetary benefits.

3. During the pendency of the suit, the petitioner herein filed I.A.No.324 of 2024 to summon and examine the Sub Registrar, Aranthangi, to disprove the genuineness of the marriage certificate produced by the respondents. However, the said petition was dismissed by the trial Court on 27.01.2025. Challenging the same, the present Civil Revision Petition has been filed.

4. The learned counsel for the petitioner submits that the marriage certificate relied upon by the respondents is a forged document and to prove the same, it is essential to summon the Sub Registrar, Aranthangi, as a witness. It is further submitted that the petitioner had applied for information under the Right to Information Act and received a reply from the Public Information Officer



stating that there was no record of the marriage notice from the year 1990.

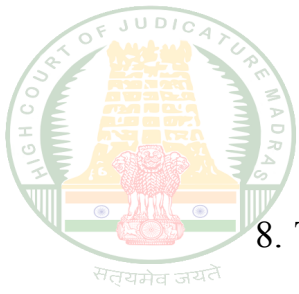
Hence, the Sub Registrar's examination is necessary to confirm that no such marriage notice exists.

5. However, a perusal of the documents reveals that the disputed marriage certificate is dated 18.10.1990 and bears the names of witnesses in Column No.

2. According to the RTI reply, the marriage notice was not available for that period, but it was also clarified that the names of witnesses mentioned in the certificate were correct.

6. The trial Court rightly observed that when the witness named in the marriage certificate is available, the petitioner, if he seeks to disprove the certificate, can summon the said witness directly. The role of the Sub Registrar in this context is limited to record-keeping and not to attest to the genuineness or falsity of the document, especially after more than thirty years. Therefore, the necessity to examine the Sub Registrar does not arise.

7. Moreover, the burden of proving the marriage lies with the respondents/plaintiffs. The petitioner has every right to rebut such evidence through proper cross-examination and by producing relevant witnesses. Merely summoning the Sub Registrar, without substantive cause or expectation of new information, would not serve any useful purpose.



8. The trial Court has rightly dismissed the interlocutory application, and this Court finds no illegality or irregularity in the said order warranting interference under Article 227 of the Constitution of India.

9. In view of the above discussion, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

09.07.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The District Munsif cum Judicial Magistrate Court, Alangudi.

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



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M.DHANDAPANI, J.

TSG

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