



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD](MD)No.2000 of 2025

1.P.Mohana Priya

2.P.Jaya Roshan (Minor)

3.P.Jeya Mithri (Minor) ...Petitioners
(petitioner Nos.2 and 3 are represented through their mother / first petitioner / guardian)

Vs.

nil

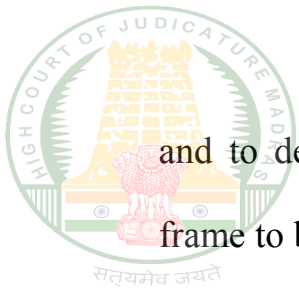
...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the Principal District Court, Thoothukudi to number the unnumbered S.O.P.No...of 2025, which was returned on 17.06.2025 and to decide the same on merits and in accordance with law within a time frame to be fixed by this Court.

For Petitioner : Mr.R.Ponkarthikeyan

ORDER

This Civil Revision Petition has been filed seeking a direction to the Principal District Court, Thoothukudi, to number the unnumbered Succession Original Petition (S.O.P.) No.____ of 2025, which was returned on 17.06.2025,



and to decide the same on merits and in accordance with law within a time frame to be fixed by this Court.

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2. The learned counsel appearing for the petitioners would submit that the first petitioner is the wife of the deceased Pradeep Sundar, and the second and third petitioners are the children of the deceased. The deceased, Pradeep Sundar, was a permanent resident of No.12A, Bryant Nagar, 5th Street, Thoothukudi, and he passed away on 01.12.2024 at Bangalore, where he was employed as a Team Leader.

3. The petitioners filed a petition for issuance of Succession Certificate under Section 372 of the Indian Succession Act, 1925, before the Principal District Court, Thoothukudi. However, the same was returned on the ground that as per Document No.1, the residence of the deceased at the time of death is Bengaluru. Hence, the Court had no jurisdiction as per Section 371 of the Indian Succession Act, 1925.

4. The learned counsel for the petitioners contends that the deceased was only temporarily residing at Bangalore for employment purposes, and his permanent residence remained at Thoothukudi. The petitioners are also residents of Thoothukudi, and the local authorities have issued a legal heirship certificate accordingly. As per Section 371 of the Indian Succession Act, 1925,



the jurisdiction lies with the District Judge within whose jurisdiction the deceased ordinarily resided at the time of his death, or, if he had no fixed place of residence, where any of his property may be found. In this case, the deceased had his permanent and ordinary residence at Thoothukudi, and hence, the return made by the trial Court on the question of jurisdiction is not legally sustainable.

5. Considering that there is no contesting respondent objecting to the territorial jurisdiction, and in view of the above facts, this Court is of the opinion that the Principal District Court, Thoothukudi, ought to entertain the petition and adjudicate the same on merits in accordance with law.

6. Accordingly, this Civil Revision Petition is allowed. The Principal District Court, Thoothukudi, is directed to number the unnumbered S.O.P. and proceed with the matter in accordance with law and dispose it as expeditiously as possible. No costs.

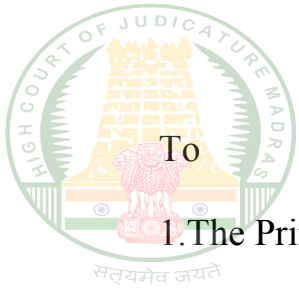
24.07.2025

Internet:Yes/No

Index:Yes/No

TSG

Note : Registry is directed to return the original document after retaining the copy of the same in the Court record



To

1.The Principal District Court, Thoothukudi.

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



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M.DHANDAPANI, J.

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