



C.M.P(MD)No.15458 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.10.2025

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.M.P(MD)No.15458 of 2024

in

C.R.P(MD)SR.No.76896 of 2024

C.M.P(MD)No.15458 of 2024

1.Vannamathi
2.Prabakaran

... Petitioners/Petitioners

Vs.

1.Chellammal
2.Meena

...Respondents/Respondents

PRAYER: Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act to condone the delay of 95 days in filing civil revision petition against the decreetal order and fair order dated 08.04.2024 passed in I.A.No.706 of 2023 in S.O.P.No.3 of 2022 on the file of the learned Sub Court, Usilampatti.

For Petitioners : Mr.M.Kannan

For Respondents : Mr.K.Pandiarajan



C.M.P(MD)No.15458 of 2024

C.R.P(MD)SR.No.76896 of 2024

1.Vannamathi
2.Prabakaran

... Petitioners/Petitioners/
Respondents 3 and 4

Vs.

1.Chellammal
2.Meena

...Respondents/Respondents/
Petitioners 1 and 2

PRAYER: Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the decreetal order and fair order dated 08.04.2024 passed in I.A.No.706 of 2023 in S.O.P.No.3 of 2022 on the file of the learned Sub Court, Usilampatti, by allowing this Civil Revision Petition.

For Petitioners : Mr.M.Kannan
For Respondents : Mr.K.Pandiarajan

ORDER

The challenge in the civil revision petition is against the order dismissing the application to condone the delay in filing a petition to set aside the *ex parte* decree, which had already been dealt with by the Court below on merits.

2. It is to be noted that the grant of a Succession Certificate is a summary procedure governed by the Indian Succession Act, 1925,



C.M.P(MD)No.15458 of 2024

(hereinafter referred to as the Act), which also provides for the revocation of a succession certificate granted in favour of any individual on various grounds. It is the claim of the petitioners that the certificate was granted by setting the petitioners *ex parte*, as they had not filed their counter.

3. He submits that the petitioners had valid grounds as to why the certificate should not be granted in favour of the respondents. Such grounds can also be raised under Section 383 (c) of the Act, apart from the other grounds available under the said provision.

4. In view of the same, this Court is of the view that the only remedy available to the petitioners against the succession certificate issued in favour of the respondents is to approach the Court which granted the succession certificate, by invoking its power under Section 383 of the Act.

5. In such view of the matter, the order impugned need not be challenged by the petitioners.



C.M.P(MD)No.15458 of 2024

6. In fine, this Civil Miscellaneous Petition stands dismissed and this Civil Revision Petition stands disposed of at the SR stage itself with liberty to the petitioners to file an application under Section 383 of the Act. The certificate granted shall be kept in abeyance for a period of four weeks from today. If any application is made within a period of four weeks by the petitioners or any other person, the Court below shall consider the same and dispose of the same within a period of eight weeks from the date of filing of such application.

29.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sn

To

1.The Sub Court, Usilampatti.

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



WEB COPY



C.M.P(MD)No.15458 of 2024

K.KUMARESH BABU,J.

SN

C.M.P(MD)No.15458 of 2024

29.10.2025