



WEB COPY

CRP No. 6073 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 6073 of 2025

1. Kavitha

D/o.Krishnasamy, Door No.6/37,
A.Ammapatti, Pethampatti, Udumalpet
Taluk, Tiruppur District.

Petitioner(s)

Vs

1. The Government Of Tamil Nadu
Rep by the District Collector, Tiruppur
District.

2.The Tahsildar,
Udumalpet Taluk, Udumalpet

3.Mani
W/o. Dharmalingam @ Chinakkannu,
S.Ammapatti, Somavarapatti Village,
Udumalpet Taluk.

4.Jayanthi
D/o. Krishnasamy S.Ammapatti,
Somavarapatti Village, Udumalpet
Taluk.

Respondent(s)



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PRAYER

To set aside the order dt. 02.06.2025 passed in O.S No. 83 of 2024 on the file of the Learned District Munsif Court, Udumalpet.

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For Petitioner(s): Mr.M.Sivavarthan
D.R.Raghunath
S.Jothi Lakshmi
Alen K.Abraham

For Respondent(s): Mr.C. Sathish,
Learned Govt.Advocate for R1
& R2

M/s.K. Azhagu Raman
A.H.Malika For R3 And R4

ORDER

This Civil Revision Petition has been filed seeking to set aside the order dated 02.06.2025 passed in O.S No. 83 of 2024 on the file of District Munsif Court, Udumalpet.

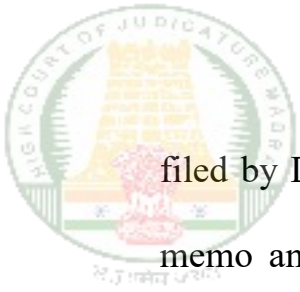


2. The brief facts of the case:

The 3rd defendant had filed a memo stating that her husband name is wrongly stated as Dharmalingam @ Chinnakannu instead of Krishnasamy. Further, the 3rd defendant's claim is that she is the wife of Krishnasamy. Hence, she prays to correct the cause title.

3. The said memo was objected by the plaintiff. But the Trial judge has accepted the said memo and made an observation that the plaintiff herself admitted that 3rd defendant was living together with the said Krishnasamy without obtaining divorce and 4th defendant was born illegitimately to the 3rd defendant and the said Krishnasamy. Accordingly, the name of husband of D3 viz., Krishnasamy is found in all documents. The Trial Judge further directed the plaintiff to take steps for amendment of name of D3 as wife of Krishnasamy. The said observation made by the Trial judge is under challenge.

4. The learned counsel for the plaintiff submits that before the Trial Court third defendant simply filed memo to change the name of her husband. However, the Trial Court without considering the plaint averments, erroneously observed that husband of 3rd defendant is Krishnasamy. In fact, the plaintiff claimed that D3 is not wife of Krishnasamy. In such circumstances, the memo



filed by D3 without filing any proper application as required under CPC, filed memo and mentioned the name of her husband and sought to change in the plaint and based on the said memo, the Trial judge made an observation and concluded that Krishnasamy is the husband of 3rd defendant, as such, is erroneous and liable to be set aside.

5. If at all the husband of 3rd defendant is wrongly mentioned, 3rd defendant is directed to file amendment petition to that effect along with other material evidence to show that she is wife of Krishnasamy. Since the legal heir certificate already issued is under dispute, without any material evidence, the memo filed by the 3rd defendant praying to change her name as she is the wife of Krishnasamy, cannot be concluded at this stage that too based on memo, therefore the order of trial court is set aside. Both parties are entitled to adduce evidence to prove the legal heir of the deceased Krishnasamy.

6. Accordingly, this Civil Revision Petition is allowed. No costs.

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Neutral Citation: Yes/No



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To

1. The District Collector, Tiruppur
District.

2. The Tahsildar,
Udumalpet Taluk, Udumalpet



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T.V.THAMILSELVI J.

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