

IN THE COURT OF THE DISTRICT MUNSIF AT MADURANTAKAM

PRESENT: Tmt. V. Devapriya, B.Sc.,M.L.,
District Munsif, Madurantakam

Friday, the 29th day of September, 2023

I.A.No. 8/2023 and I.A.No. 9/2023

in
O.S. No. 232/2012

1. Chinnaka (Died)
2. Parameswaran (Died)
3. Dhanalakshmi

...Petitioner/ 9th Defendant

-vs-

1. Mayavan

.... Respondent/Plaintiff

2. Raman
3. Vijaya
4. Palani
5. Palaniammal
6. Lakshmi
7. Raja

...Respondents/Defendants 1 to 6

This petition coming up before me on 12.09.2023 for final hearing in the presence of, Thiruvalargal. V.Agoram, counsel for the Petitioner/ 9th Defendant and Thiru. S.Subramaniam, counsel for the 1st Respondent/Plaintiff and Respondents 2 to 7/Defendants 1 to 6 having been set exparte in the main suit and after hearing the arguments of both sides and upon perusing the materials placed on record, and having stood over for consideration till this day, this court delivers the following,

COMMON ORDER

I.A.No.8/2022

This petition has been filed by the Petitioner/ 9th Defendant under Order VIII Rule 1-A(3) of the Code of Civil Procedure to receive the petition mentioned documents in the above suit.

I.A.No.9/2022

This petition has been filed by the Petitioners/Defendants under Order XVIII Rule 17 of Code of Civil Procedure to re-call DW1 in the above suit.

2. The averments stated in the petitions in brief:

The document filed along with this petition are vital to prove the case of the Petitioner/ 9th Defendant. The above suit is posted for Defendant side evidence. The Petitioner/ 9th Defendant had applied for legal heir certificate before filing of the above suit and the same was received now only. Hence the petition.

3. The averments stated in the Counter filed by the 1st Respondent/Plaintiff, in brief:

These petitions are not maintainable under law and on facts. The 1st Respondent/Plaintiff had filed the above suit claiming title as the legal heir of Ramadoss. The petition mentioned document was obtained pending suit and hence it will not bind the 1st Respondent/Plaintiff. The petition mentioned document was issued without enquiry. The dispute has to be decided only by a

competent court and the Revenue officials have no right to issue legal heir certificate, pending suit and hence it cannot be received. There is no need to recall DW1. There is no merits in the petitions and hence these petitions are liable to be dismissed with costs.

4. The point for determination is whether these petitions are to be allowed or not?

5. No Exhibits marked and no witnesses were examined on both sides

6. Heard both sides and perused the records.

7. The Petitioner/ 9th Defendant had filed these petitions to receive the petition mentioned document and to re-call DW1 to mark the same. The 1st Respondent/Plaintiff had resisted the petition on the ground that the document which was issued pending suit, cannot be received. Perusal of records reveal that the Petitioner/ 9th Defendant and the 1st Respondent/Plaintiff claims themselves as the legal heir of one Ramadoss. The Petitioner/9th Defendant had filed the legal heir certificate of the said Ramadoss. The above suit is posted for further evidence on the Defendant side. The objection raised by the 1st Respondent/Plaintiff can be decided after trial. Therefore in the interest of justice, this court is inclined to allow these petition on costs.

8. In the result, these petitions are allowed on costs of Rs. 300/- to be paid by the Petitioner/ 9th Defendant to the 1st Respondent/Plaintiff on or before

06.10.2023, failing which, these petitions will be dismissed automatically. Call on 06.10.2023.

Typed by me in my laptop, corrected and pronounced by me in open court on this the 29th day of September, 2023

District Munsif
Madurantakam

Petitioner side witnesses and documents:

Nil

Respondent side witnesses and documents:

Nil

District Munsif
Madurantakam