

**IN THE HIGH COURT OF JUDICATURE, ANDHRA  
PRADESH  
AT HYDERABAD**  
(Special Original Jurisdiction)

PRESENT  
**THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY**

**C.R.P.NO.3305 OF 2002.**

Date:23.10.2009.

Between:-

Dabbada Ramalaxmi (died) and others

..Petitioners  
(Petitioners/Proposed Petitioners)/plaintiffs

And

Regidi Rammurthy

.. Respondent  
(Respondent/defendant)

**ORDER:-**

This Revision is directed against the order dated 17.03.2009 in I.A.No.350 of 2008 in O.S.No.10 of 2007 on the file of the Junior Civil Judge, Cheepurupalli, wherein the said application filed by petitioner Nos.2 to 4 to come on record as legal representatives of deceased petitioner No.1/plaintiff under Or.22 Rule 3, Order 6 Rule 17 read with Rule 28 of C.P.C. was allowed, but however, petitioner Nos.2 to 4 were directed to file succession certificate for issuing decree, if the suit is decreed.

2. Heard the learned counsel for the petitioners. None

appeared for the respondent though served with notice.

3. Perused the records.

4. Petitioner No.1/plaintiff filed the suit for recovery of money based on a mortgage. During the pendency of the suit, she died. Petitioner Nos.3 and 4 are the minor son and daughter of deceased petitioner No.1 respectively and they were represented by their grandfather-petitioner No.2. It is stated that the husband of petitioner No.1 died long back. There is no dispute regarding legal heirship of petitioner Nos.3 and 4, being the legal representatives of petitioner No.1, as they are the son and daughter of petitioner No.1. In fact, the learned Junior Civil Judge allowed the application and permitted petitioner Nos.2 to 4 to come on record as legal representatives of deceased petitioner No.1, but however, directed that there is a need to file a succession certificate. When once the legal heirship of petitioner Nos.3 and 4, being minors, represented by petitioner No.2-grandfather, is not disputed, there is no need to file succession certificate for permitting them to come on record. The direction given by the learned Junior Civil Judge that petitioner Nos.2 to 4 shall file succession certificate is, therefore, unsustainable, and the same is, accordingly, set aside.

5. In the result, the C.R.P. is allowed, as stated above. There shall be no order as to costs.

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**G.V.SEETHAPATHY, J**

23<sup>rd</sup> October, 2009  
AMD