

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2015

CORAM:

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.No.3324 of 2015

and

M.P.No.1 of 2015

1.D.Eswaramurthy

2.D.Rugmangathan

3.D.Sankaralingam

4.Tmt.Amsaveni

5.Tmt.Vedanayaki

... Petitioners/Respondents 4 to 8/
Respondents 1 to 4 & 6/
Defendants 1 to 4 & 6

Vs.

1. D.Chandra Sekaran
Rep by his Guardian
R.Gunalan

... 1st Respondent/Petitioner/Petitioner/
Proposed 7th Defendant

2. Tmt.Jayaseeli (alias) Jagadeeswari

3. C.Prabhu

4. C.Sathya

... Respondents 2 to 4/Respondents 1 to 3/
Respondents 1 to 3/Plaintiffs

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the petition order dated 05.03.2015 made in I.A.No.17043 of 2014 in I.A.No.12878 of 2014 in O.S.No.10199 of 2009 on the file of the learned IV Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.K.P.Chandrasekaran

For Respondents : Mr.P.Subburaj, for R1

Mr.R.Mahalingam, for R2 to R4

O R D E R

The revision petitioners are the defendants 1 to 4 and 6 in O.S.No.10199/2009 on the file of the IV Assistant Judge, City Civil Court, Chennai. The aforesaid suit was instituted by the respondents 2 to 4 herein. The details of the suit are not necessary for the disposal of the revision petition, in view of the agreement reached between the learned counsel appearing for the revision petitioners, learned counsel for the 1st respondent and the learned counsel appearing for the respondents 2 to 4.

2. The respondents 2 to 4/plaintiffs filed an application in I.A.No.12878 of 2014 to implead the first respondent herein as one of the defendants. According to them, the first respondent herein is a lunatic and he has to be represented by his next friend. Hence, they filed an application in I.A.No.17043 of 2014 in I.A.No.12878 of 2014 in O.S.No.10199/2009 for appointment of guardian.

3. The Trial Court passed an order dated 05.03.2015 appointing one Thiru.R.Gunalan as Guardian of the first respondent, who is a lunatic. Questioning the aforesaid order, the petitioners have come up with the present Civil Revision Petition.

4. Though the matter was heard on so many occasions, today the learned counsel appearing for the revision petitioners, the learned counsel appearing for the 1st respondent and the learned counsel appearing for the respondents 2 to 4 have reached a consensus and they had agreed to appoint Thiru.D.Abdullah, Advocate, practicing in this Court and having office at 160/348, II Floor, Hussain Plaza, Thambu Chetty Street, Chennai - 600 001 (Cell : 98840 16380) as the next friend of the first respondent, to represent the first respondent in the place of Mr.Gunalan.

5. In view of the same, the order dated 05.03.2015 made in I.A.No.17043 of 2014 in I.A.No.12878 of 2014 in O.S.No.10199 of 2009 is modified and Thiru.D.Abdullah is appointed as next friend in the place of Thiru.R.Gunalan.

6. The Civil Revision Petition is disposed of with the aforesaid modifications. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

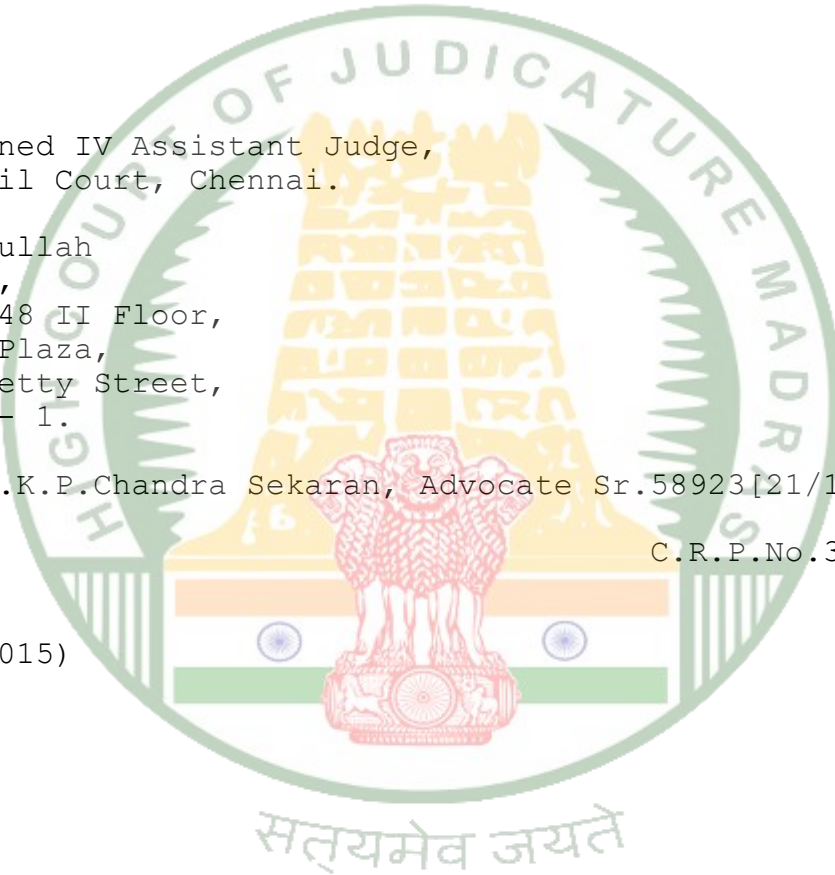
1.The learned IV Assistant Judge,
City Civil Court, Chennai.

2.Mr.D.Abdullah
Advocate,
No.160/348 II Floor,
Hussain Plaza,
Thambuchetty Street,
Chennai - 1.

+1cc to Mr.K.P.Chandra Sekaran, Advocate Sr.58923[21/12/2015]

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KGK(CO)
CA(16/11/2015)



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