

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

C.R.P.(PD).No.4144 of 2017

Bagyalakshmi

.. Petitioner

Vs.

1. Bank of India
Represented by its Branch Manager,
Krishnagiri town branch,
Krishnagiri Taluk and District.

2. K.Chitra

(Since no relief is claimed against
this respondent, this respondent is
not a necessary party hence given up)

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order made in un-numbered I.A.SR.No.2042 of 2017 in O.S.No.205 of 2012 dated 25.07.2017 on the file of the District Munsif Court at Krishnagiri.

For Petitioner : M/s.Selvi George

ORDER

The petitioner has filed this Civil Revision Petition to set aside the order made in un-numbered I.A.SR.No.2042 of 2017 in O.S.No.205 of 2012 dated 25.07.2017 on the file of the District Munsif Court at Krishnagiri.

2. According to the learned counsel for the petitioner, one of the legal heirs of the deceased Karuppannan has filed the suit in O.S.No.205 of 2012 for declaration against the revision petitioner herein. In the aforesaid suit, the trial court has passed the judgment and decree by granting one half share from the family pension to the plaintiffs and the revision petitioner/defendant in the said suit.

3. According to the petitioner, the respondent Bank has aware of the judgment and decree passed by the trial court, but the respondent Bank has not granted the pension to the revision petitioner. Hence, the petitioner has filed the application to pass an order of arrest against the respondent Bank and to detain him for disobeying the

judgment and decree of the District Munsif Court. The learned District Munsif has returned the said application by stating that the respondent Bank was not a party to the proceedings and therefore, the said application is rejected as not maintainable. Challenging the above said rejection order, the petitioner has filed the present revision petition before this Court.

4. The learned counsel for the petitioner would submit that even though the judgment and decree passed by the trial court on 22.01.2016, unfortunately, the revision petitioner has not obtained the pension benefits for all these years, in spite of the respondent Bank has knowledge about the said judgment and decree. Therefore, the said application is maintainable before the trial court.

5. The respondent Bank is not a party in the above said suit and no relief is sought against the Bank. The relief sought for in the suit for declaration against the defendant/private party, there is no relief sought against the respondent Bank for directing them to settle pensionary benefits. Without seeking any relief against the Bank, the said

suit was filed. The trial court has rightly rejected the said application as not maintainable and the petitioner is having any grievance, to workout the remedy before the concerned authority in the manner known to law. Therefore, no prima-facie case is made out and there is no error or illegality in the order passed by the court below.

6. Accordingly, the Civil Revision Petition fails and the same is dismissed. No costs.

14.11.2017

Index: Yes/No

Speaking Order/Non-Speaking Order

ssn

To

The District Munsif Court,
Krishnagiri.

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D. KRISHNAKUMAR, J.,

ssn



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