



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2017

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

WEB COPY

CMP (MD) No. 8373 of 2016
in
CRP (MD) No. SR34125 of 2016
and
CRP (MD) No. SR34125 of 2016

1. Meenakshi Sundaram (Died)

2. M. Ragaventhiran

...Petitioners/Petitioners

-Vs-

1. M. Selvaraj (Died)

2. Balammal

3. Selva Mary @ Motcha Alangara Mary

4. Surendar

5. Divya

6. Sournalatha

7. Mariyammal

...Respondents/Respondents

PRAYER in C.M.P.:- Civil Miscellaneous Petition filed under Section 151 of C.P.C. to accept the cause title in CRP. (SR). No. 34125 of 2016.

PRAYER in C.R.P.:- Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order of return dated 21.01.2015 made in unnumbered C.M.A. No. of 2015 in S.R.No.104 of 2015 on the file of the Principal District Judge, Srivilliputhur in I.A.No.30 of 2012 in O.S.No.219 of 2011 dated 17.10.2014 on the file of the Subordinate Judge, Srivilliputhur, and to set aside the same and direct the same and direct the learned Principal District Judge, Srivilliputhur to consider the civil miscellaneous appeal on merits.

For Petitioners : Mr. R. Venkatesan

For Respondents : No Appearance

ORDER

Civil Miscellaneous Petition filed under Section 151 of C.P.C. to accept the cause title in CRP. (SR). No. 34125 of 2016

Civil Revision Petition filed to set aside the order of return dated 21.01.2015 made in unnumbered C.M.A. No. of 2015 in S.R.No.104 of 2015 on the file of the Principal District Judge, Srivilliputhur in I.A.No.30 of 2012 in O.S.No.219 of 2011, dated 17.10.2014.



2. It is seen from the records that Meenakshi Sundaram, who was the original sole plaintiff in O.S.No.219 of 2011, died on 24.03.2016.

3. The present petition is filed by one of his son M.Ragaventhiran claiming himself as a Power Agent of the Legal Heirs of Meenakshi Sundaram. From the Legal Heirs Certificate furnished by the petitioner, this Court finds that Meenakshi Sundaram had left behind his Wife Selvaramani and two daughters, namely, Depalakshmi and Ramalakshmi and son M.Ragaventhiran. Without arraying them as party and without mentioning M.Ragaventhiran as Power Agent of all the above three persons, the petitioner has filed CMP(MD) No.8373 of 2016 to accept the cause title in CRP(MD) No.SR34125 of 2016.

4. Since, the Cause Title is without proper array of all necessary parties, this Court is not inclined to entertain the Civil Miscellaneous Petition.

5. Hence, the Civil Miscellaneous Petition is dismissed. Consequently, the Civil Revision Petition is rejected at the SR stage itself. It is always open to the parties concerned to file an appropriate petition if he is so advised before the appropriate Court. No Costs.

Sd/-
Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

- 1.The Principal District Judge,
Srivilliputhur.
- 2.The Subordinate judge,
Srivilliputhur.

+1 cc to Mr.R.Venkatesan , Advocate in SR.No. 16437
+1 cc to Mr.V.B.Sundareshwar, Advocate in SR.No. 16308

TA/SM
AE/KP/04.05.2017/2P/5C