



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 02.02.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(MD)No.455 of 2014 (PD)

and

M.P(MD)No.1 of 2014

M/s.Jeevan Finance,
Rep. by its Proprietor Y.S.P.Jose,
Mettukudiyiruppu,
Anjugramam Post,
Azhagappapuram Village,
Agasteeswaram Taluk,
Kanyakumari District.

.. Petitioner/
Petitioner/Defendant

Vs.

1.Rev.D.Retnaraj
2.Mrs.O.Helen Bhamini Bai
3.Dev.R.Newlin
4.Dev.R.Evelin

.. Respondents/
Respondents/Plaintiffs

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order, dated 27.08.2013 made in I.A.No.279 of 2011 in O.S.No.196 of 2010 on the file of the II Additional Subordinate Court, Nagercoil.

For Petitioner : Mr.S.Ramakrishnan
For R1 : Mr.S.C.Herold Singh
For R2 to R4 : No Appearance

ORDER

The defendant is before this Court challenging the order passed by the II Additional Subordinate Court, Nagercoil, in I.A.No.279 of 2011 in O.S.No.196 of 2010 filed under Order VII Rule 11 and Section 151 of the Code of Civil Procedure, 1908, to reject the plaint on the ground of limitation and constitution of the Special Court, namely, the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997 Court, for the claim made in the suit.

2. The trial Court, vide order dated 27.08.2013, dismissed the ~~appeal~~ petition, ~~devoid of merits~~ holding that the Special Court formulated under Section 6 of the TNPID Act, is competent to distribute the assets attached by the Competent Authority, viz.,



the District Revenue Officer and thus, the Civil Court has no jurisdiction. Challenging the same, the petitioner is before this court.

3. Heard Mr.S.Ramakrishnan, learned counsel appearing for the petitioner and Mr.S.C.Herold Singh, learned counsel appearing for the first respondent.

4. The issue in this Civil Revision Petition was considered by this Court and this Court passed an order on 06.02.2014, in C.R.P.(MD)No.222 of 2014, wherein at paragraph 5, it has been held as follows:-

"5. Though the learned counsel appearing for the petitioner would contend that under Section 6(3) of the TNPID Act, only the Special Court is competent to try all the claims, a close scrutiny of the said Section would reveal that *"any pending case in any other Court to which the provisions of this Act apply shall stand transferred to the Special Court"*. The said Act is a Special Act, whereas the petitioner's claim is for recovery of money and therefore, the suit cannot be transferred to a Special Court, as contended by the learned counsel appearing for the petitioner. In any event, it is for him to take out appropriate application before the Special Court and get orders, if so advised, if he is able to convince the trial Court. Therefore, the trial Court is right in dismissing the application taken out by the petitioner."

5. In view of the abovesaid order, dated 06.02.2014, made in C.R.P.(MD)No.222 of 2014, this Civil Revision Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1 The II Additional Subordinate Judge, Nagercoil.
- 2 The Record Keeper, VR Section,
Madurai Bench of Madras High Court, Madurai

+1 cc to MR.S.RAMAKRISHNAN, Advocate SR.No.5854

+1 cc to MR.S.R.HEROLD SINGH, Advocate SR.No.6040

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& M.P. (MD)No.1 of 2014

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