



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2017

CORAM :

WEB COPY

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

C.R.P (MD) (NPD) No.531 of 2017

1. M.Nagarajan
2. V.Ramaiah Pillai ... Petitioners/Petitioners /
Petitioners/Plaintiffs

Vs.

1. Pitchumani
2. P.S.Renganathan ... Respondents/Respondents/
Respondents/Defendants

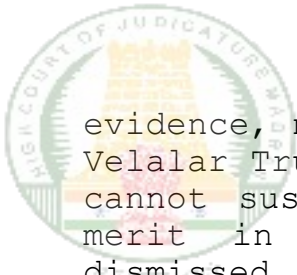
Prayer: Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the fair order and decreetal order passed in I.A.No.100 of 2010 in I.A.No.425 of 2009 in O.S.No.182 of 2009 dated 14.02.2015 on the file of the II Additional Sub Court, Nagercoil, Kanyakumari District.

For Petitioners : Mr.G.Ramanathan
For Respondents : Mr.D.Saravanan for R2

O R D E R

The Revision Petitioner has approached the civil court in the year 2009 to institute a suit under Section 92 of Civil Procedure Code. The trial Court, after considering evidence let in by the parties, refused to grant leave and passed an order on 02.02.2010. Thereafter, an application to review the said order was filed and the same was pending for adjudication till 14.12.2015, wherein the court below has reappreciated the evidence and found that the petitioner has not established prima-facie his interest in the trust property and to institute a suit invoking the special provision under C.P.C., namely Section 92 of C.P.C. Aggrieved by the said order passed in the review application, the present revision petition is filed on the ground that the learned trial Judge ought to have granted leave considering 16 documents filed along with the plaint. By refusing to leave to file the suit under Section 92 of C.P.C., the right of the petitioner as a beneficiary under the trust is gravely prejudiced.

2.This Court after perusing the impugned order finds that the plea of the revision petitioner is not substantiated by any



evidence, more particularly, his claim that he is the member of the Velalar Trust itself is not supported by any evidence. Therefore he cannot sustain a suit Section 92 of C.P.C. This court finds no merit in the revision petition. Hence, revision petition is dismissed. No costs.

WEB COPY

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The II Additional Subordinate Judge,
Nagercoil,
Kanyakumari District.

+ 1 CC TO Mr.G.RAMANATHAN, ADVOCATE IN SR No. 15001
+ 1 CC TO Mr.D.SARAVANAN, ADVOCATE IN SR No. 14969

ARUL/IS

TE/SKN-RSK : 23/03/2017 : 2P/4C

C.R.P (MD) (NPD) No.531 of 2017
15.03.2017