



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2017

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRP(PD) (MD)No.554 of 2017

R.Priyanka ... Petitioner/Petitioner/3rd Party

vs.

1.Ratha Varatharajan ... 1stRespondent/1stRespondent/Plaintiff
2.Rathakrishnan ... 2ndRespondent/2ndRespondent/Defendant

Prayer:- Civil Revision Petition filed the Under Article 227 Constitution of India, against the order passed by the learned I Additional District Munisif, Nagercoil, Kanyakumari District in I.A.No.(Unnumbered) of 2017 in O.S.No.316 of 2006 dated 13.02.2017 whereby the said learned District Munisif returned the petition filed by the petitioner for recording the petitioner as a Major and to relive the next friend from the guardianship and to vacate the permanent injunction granted by the said learned District Munisif in O.S.No.306 of 2006 dated 07.08.2007.

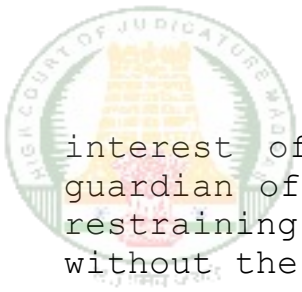
For Petitioner :Ms.S.Balaji
For Respondents :Mr.P.Saravanan (For R1 & R2)

ORDER

This Civil Revision Petition is filed against the order passed by the learned I Additional District Munisif, Nagercoil, Kanyakumari District in I.A.No.(Unnumbered) of 2017 in O.S.No.316 of 2006 dated 13.02.2017 whereby the said learned District Munisif returned the petition filed by the petitioner for declaring the petitioner as a major and to discharging him from the guardianship and to vacate the permanent injunction granted by the said learned District Munisif in O.S.No.306 of 2006 dated 07.08.2007.

2.On notice, Mr.P.Saravanan learned counsel has entered appearance for the respondents. By Consent of both the parties, this Civil Revision Petition is taken up for final disposal.

3.One Ratha Varatharajan has filed a suit in O.S.No.316 of 2006 seeking, permanent injunction against one Radhakrishnan on the ground that the suit property was settled on 22.11.2005 by way of a settlement deed in favour of his minor child Priyanka by her father. While so, the defendant, without having any right in the suit property, is trying to encumbrance the property against the



interest of the said Priyanka and therefore Radhakrishnan as a guardian of the said minor girl Priyanka, sought for an injunction restraining the defendant from encumbering the suit property without the permission of the Court.

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4. The Trial Court had passed a decree restraining the defendant from encumbering the suit property, which was settled in favour of the minor girl namely Priyanka, without permission of the Court. After attaining majority the Priyanka, who is the revision petitioner herein, has filed an application before the Trial Court to declare her as major and intimate the same to the Sub Registrar Office at Kottaram. Since, the encumbrance certificate still reflects the petitioner, Priyanka as minor and because of that she is not able to deal with the property independently. The Trial Court returned the application holding that the suit was not filed by the said Rahda Varadharajan on behalf of Priyanka as next friend and it was filed by Radha Varadharajan independently. Therefore, the question of declaring the petitioner, Priyanka as major and intimate the same to the sub Registrar does not arise. Hence, the petition is not maintainable.

5. Aggrieved by that, the present Revision Petition is filed on the ground that pursuant to the decree in O.S.No.316 of 2006 dated 07.08.2007, the Sub Registrar Kottaram, recorded the decree passed by the learned Munsif Court in the book No.1 vide Vol.No.1149 page No.145, as if there is an encumbrance effected in view of the Court decree. The revision petitioner has approached the Trial Court for declaring her as major and intimate the same to the Sub Registrar, Kottaram. The Trial Court having found that the revision petitioner was not a party to the suit in O.S.No.316 of 2006 and has rightly returned the application without numbering the same.

6. I see no error in returning the application without numbering. The revision petitioner ought to have requested the plaintiff(RadhaVaradharajan), who has filed the suit in O.S.No.316 of 2006 for injunction against the defendant, for recording her as major. Therefore, this Court disposed of the civil revision petition with the following direction:



"If the plaintiff files an application before the Trial Court for declaring Priyanka as major and intimate the same to the Sub Registrar, the Trial Court after hearing the parties concerned shall pass appropriate orders and intimate the same to the Sub Registrar for making necessary entry in the appropriate book". No costs.

sd
ASST REGISTRAR (WRITS)

TRUE COPY

SUB ASST REGISTRAR

TA/psd

To
The I Additional District Munisif,
Nagercoil, Kanyakumari District.

COPY TO: THE SECTION OFFICER, VR SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

1CC TO MR. S. BALAJI, ADVOCATE SR: 17696

JM/SKN RSK/SAR 3/04.04.2017/3P/4C

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