



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) Nos.197 & 198 of 2018

and

C.M.P. (MD) Nos.848 & 849 of 2018

Sebastian : Petitioner in both petitions
vs.

1.Sagayamary

Arokiyaraj (Died)

2.George

3.Sebasthiyammal @ Rani

4.Minor Melvin Richard

5.Minor Jenifer Melinda

: Respondents in both petitions

[Minor Respondents 4 & 5 are

represented by her mother/natural

guardian, the third respondent herein]

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the petition and order dated 15.09.2017 passed in I.A.Nos.14 & 15 of 2017, respectively, in I.A.No.1 of 2017 in I.A.No.626 of 2016 in A.S.No.34 of 2016 on the file of the II Additional District Court, Thanjavur.

For Petitioner

: Mr.N.Tamilmani

For Respondents

: Mr.G.Karnan for R.1 & R.2

No representation for R.3 to R.5

(In both petitions)

COMMON ORDER

As the issue involved in both the cases are similar in nature, they are disposed of by way of this common order.

2. These civil revision petitions are directed against the dismissal order of the learned II Additional District Judge, Thanjavur, in I.A.Nos.14 & 15 of 2017, respectively, in I.A.No.1 of 2017 in I.A.No.626 of 2016 in A.S.No.34 of 2016, dated 15.09.2017.

3. In the interlocutory application in I.A.No.14 of 2017, the trial Court by an order dated 07.09.2017, has appointed one Smt.N.Abinaya as Court guardian for the minor proposed parties/respondents 4 & 5 herein and directed the petitioner to pay a sum of Rs.2,000/- as fee to the Court guardian on or before 14.09.2017. As the petitioner failed to comply with the same, the interlocutory application in I.A.No.14 of 2017 came to be dismissed



on 15.09.2017, followed by which, I.A.No.15 of 2017 was also dismissed on the same day, for non-compliance.

4. When the matter is taken up for hearing today, the learned Counsel appearing for the petitioner expressed his willingness to pay the amount, as directed by the Court below, for which, the learned Counsel on the other side has no serious objections.

5. In view of the above submission and in order to meet the ends of justice, the order passed in I.A.No.14 of 2017 is set aside and the petitioner is hereby directed to effect payment as directed by the Court below forthwith. Since the order passed in I.A.No.15 of 2017 is only a consequential order, the same is also quashed and these civil revision petitions are accordingly allowed. Needless to say that if the petitioner fails to effect payment, these civil revision petitions shall stand dismissed automatically, without further reference to this Court. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To
The II Additional District Judge,
Thanjavur.

+1CC TO M/S.G.KARNAN, ADVOCATE, SR NO.54423
+1CC TO M/S.N.TAMILMANI, ADVOCATE, SR NO.54597

C.R.P. (MD) Nos.197 & 198 of 2018
and
C.M.P. (MD) Nos.848 & 849 of 2018
12.03.2018

gk

MS/SV-MMS/SAR-2/27.03.2018/2P.4C