



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD)No.977 of 2018 (PD)

and

CMP (MD)Nos.4280 and 5675 of 2018

The Commissioner,
Panchayat Union,
Thoothukudi @ Pudukkottai,
Thoothukudi District.

... Petitioners

Vs.

Ramakrishna Pillai (died)

- 1.Lakshmi
- 2.Santhanamani
- 3.Nallaiah
- 4.Ganesan
- 5.Selvalakshmi
- 6.Shanmugasundari
- 7.Shanmugasundaram
- 8.Amutha
- 9.The Commissioner,

Corporation, Thoothukudi.

... Respondents

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Principal District Munsif, Thoothukudi to number the unnumbered E.A.S.R.No.10599 of 2016 in E.P.No.80 of 2005 in O.S.No.281 of 2001 on the file of the Principal District Munsif, Thoothukudi.

For Petitioner : Mr.Aayiram K.Selvakumar
Addl., Govt.Pleader

For Respondents : Mr.G.Prabhu Rajadurai for R1 to R8
Mr.S.Saji Bino for R9

ORDER

One Ramakrishna Pillai filed OS.No.281 of 2001 on the file of the Principal District Munsif, Thoothukudi seeking certain reliefs. The said suit was decreed as early as on 29.10.2003. To execute the same, EP.No.80 of 2005 was also filed. Originally, the defendant in the suit was the Commissioner of Panchayat Union, Thoothukudi. Subsequently, the same got merged with Thoothukudi Municipal Corporation. Therefore, an E.A was filed for substituting the Municipal Commissioner, Thoothukudi in the place of the original defendant. The said E.A was not numbered and it was returned. Questioning the same, this Civil Revision Petition has been filed.



2.This Court is of the view that since the original defendant has now merged with the Thoothukudi Municipal Corporation, the executing court is bound to substitute the new entity in the place of the old one. Therefore, executing court is directed to substitute "the Commissioner, Panchayat Union at Pudukottai, Tuticorin District" with "the Commissioner, City Municipal Corporation, Thoothukudi."

3.Hence, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Principal District Munsif, Thoothukudi.

2.The Commissioner, Panchayat Union,
Thoothukudi @ Pudukkottai,
Thoothukudi District.

3.The Commissioner,
Corporation, Thoothukudi.

+1cc to M/S.G.Gunaseelan Muthiah, Advocate SR.No. 77410

+1cc to M/S.G.Prabhu Rajadurai, Advocate SR.No. 77646

+1cc to M/S.S.Saji Bino, Advocate SR.No. 77390

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JM/SKN RSK/SAR 1/09.08.2018/2P/7C