



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P.(MD)No.980 of 2018

Muthuselvi, W/o.Palavesam ... Petitioner/Petitioner
Vs.

1.Gee Key Printing Mills,
Rep. by its Managing Partner,
Jeyaprakash,
1/110 A, Chedarpalayam Road,
Gowandampalayam,
Uthhukuli Taluk,
Thirupoor District.

2.Meheswari, D/o.Palavesam
3.Velammal, D/o.Sudalaimuthu ... Respondents/Respondents

Prayer:- This Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the unnumbered G.W.O.P.Sr.No.637 of 2018, dated 23.01.2018, filed by the petitioner before the Principal District Court, Tirunelveli, and to direct the learned Principal District Judge, Tirunelveli, to number the above petition.

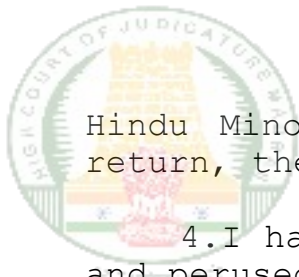
For Petitioner : Mr.S.R.Anbarasu

ORDER

This Civil Revision Petition has been filed by the petitioner seeking a direction to the learned Principal District Judge, Tirunelveli, to number the unnumbered G.W.O.P.SR.No.637 of 2018, dated 23.01.2018.

2.The petitioner herein has filed G.W.O.P. seeking permission for the sale executed by her in respect of minors' share in the scheduled properties in Document No.1530/2017 on the file of Sub-Registrar, Panakudi, by a decree.

3.The learned Principal District Judge, Tirunelveli, by order dated 23.01.2018, has returned the said petition on the ground that though the petition schedule property was already sold to the first respondent herein by virtue of sale deed dated 09.08.2017, in Document No.1530/2017, on the file of Sub-Registrar, Panakudi, how the petitioner can file the petition under Section 8(2)(a) of the



Hindu Minority and Guardianship Act, 1956. Challenging the said return, the present Civil Revision Petition has been filed.

4.I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

5.Since the petitioner has filed the petition only seeking permission of the sale already effected on 09.08.2017 and that should be adjudicated by the learned Principal District Judge, Tirunelveli, by way of trial and the same should be considered as per Hindu Minority and Guardianship Act, 1956, this Civil Revision Petition is disposed of and the order dated 23.01.2018, passed by the learned Principal District Judge, Tirunelveli, is set aside and the learned Principal District Judge, Tirunelveli, is directed to number the G.W.O.P. and pass suitable orders on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order after giving an opportunity to both the parties. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1.The Principal District Judge,
Tirunelveli.

2.The Section Officer,
E.R. Section,
Madurai Bench of Madras High Court,
Madurai. (*) (to return the original unnumbered
G.W.O.P.SR.No.637/2018 to the learned counsel
for the petitioner after substituting the same
by a Xerox copy and after obtaining proper
acknowledgment from the counsel on record.)

+1CC to Mr.S.Anbarasan Advocate in SR.No.77401.

SMN2

DS SKN RSK SAR-3;03.09.2018; 2P/4C

C.R.P. (MD) No.980 of 2018
02.08.2018