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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.08.2018
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) Nos.306 and 678 of 2017
and
C.M.P. (MD) .Nos.1520 and 2703 of 2017
in C.R.P. (MD) .No.306 of 2017

In C.R.P. (MD) .No.306 of 2017:

1.Manju

(mentally unsound person Rep.by
her father Govindan)

2.Govindan

.. Petitioners/ Respondents 1 & 2/
Respondents 1 and 2

vs.

1.R.Shanthi

2.R.Srinivasan

.. Respondents/ Petitioners/
Petitioners

3.Bharath Sanchar Nigam Limited
rep. by its General Manager,
Tiruchirappalli.

4.DGM Finance, DOT Cell,BSNL,
Controller of Communications Accounts,
DOT Cell, BSNL Building,
Raja Annamalaipuram,
Mandaveli, Chennai. - 28.

.. Respondents /Not Parties /
Respondents 3 &4

PRAYER: Civil Revision Petition filed under Article 227 of the
Constitution of India, against the fair and decretal order, dated
09.11.2016 made in I.A.No.242 of 2016 in G.W.O.P.No.21 of 2014 on
the file of the learned Principal District Judge, Tiruchirappalli.

For Petitioner : Mr.Raguvarangopalan
for M/s.K.Prabhakar

For Respondent Nos.1 & 2 : Mr.Sundaram

For Respondent No.3 : Mr.K.Govindarajan

For Respondent No.4 : No appearance

In C.R.P. (MD) .No.678 of 2017:



vs.

1. Manju (mentally unsound person)
represented by her father Govindan

2. Govindan

3. Bharath Sanchar Nigam Limited
rep. by its General Manager,
Tiruchirappalli.

4. DGM Finance, DOT Cell, BSNL,
Controller of Communications Accounts,
DOT Cell, BSNL Building,
Raja Annamalaipuram,
Mandaveli, Chennai. - 28.

.. Respondents / Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order, dated 09.11.2016 made in I.A.No.242 of 2016 in G.W.O.P.No.21 of 2014 on the file of the learned Principal District Judge, Tiruchirappalli and restrain the 3rd and 4th respondents, their men, officers, superiors from in any way settling the final settlement (Gratuity, P.F., etc) amount of the deceased Narayanan, Senior Group D, directing them to deposit the amount in to Court in order to protect the Ward's interests.

For Petitioner : Mr.Sundaram

For Respondent Nos.1 & 2 : Mr.Raguvarangopalan
for M/s.K.Prabhakar

For Respondent No.3 : Mr.K.Govindarajan

For Respondent No.4 : No appearance

COMMON ORDER

One Manju got married to one Narayanan on 30.06.2002 at Alwar Thirunagari. A son by name, Harikrishnan was born to them on 13.06.2004. The said Narayanan was passed away on 28.11.2013. He was a BSNL employee. After the demise of the said Narayanan, battle arose between the relatives of Narayanan on the one hand and Manju and her father on the other. One Shanthi, sister of Narayanan and one R.Srinivasan, uncle of Narayanan sought custody and guardianship over Harikrishnan. They, therefore filed G.W.O.P.No.21 of 2014, before the learned Principal District Judge, Trichy. The said Manju also independently filed G.W.O.P.No.4 of 2015 before the very same Court seeking the very same relief in respect of her son. While so, the petitioners in G.W.O.P.No.21 of 2014, namely, Shanthi and Srinivasan filed I.A.No.242 of 2016 for restraining BSNL from



settling the terminal benefits, payable on account of the demise of the said Narayanan, to Manju till the disposal of the G.W.O.P.No.21 of 2014. They also wanted the share amount to be deposited in the Court. The Court below by order, dated 09.11.2016 allowed the IA in part and directed the said Manju and Govindan to deposit the share amount received by them in the Court within one month. Questioning this order, dated 09.11.2016, the mother of the child filed C.R.P. (MD).No.306 of 2017. Likewise C.R.P.(MD)No.678 of 2017 came to be filed by the said Shanthi and Srinivasan, questioning the very same order, insofar as it was to their prejudice.

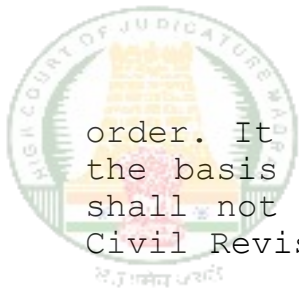
2. When the matter was taken up for admission, this Court had directed the said Manju to deposit 50% of the amount received by her from her husband's employee BSNL, to the credit of her minor son's account.

3. When the matter was taken up for final disposal, the Standing Counsel for BSNL produced a copy of the letter, dated 04.12.2017 addressed by BSNL to him. A copy of the other communications issued by BSNL have also been enclosed in the said letter. This Court went through the contents of the said letter as well as those proceedings.

4. The learned counsel for the revision petitioners in C.R.P.(MD).No.306 of 2017 firmly states that only a sum of Rs.5,00,000/- has been received by the said Manju from BSNL. He further submitted that a sum of Rs.2,50,000/- was already deposited by the said Manju in a specially created Account and the pass book and other receipts are held by the said Srinivasan. The learned counsel would further submit that the said Manju is remitting 50% of the monthly pension amount to the son. The manner of the disbursement of the said amount will be decided by the Court below. Since already a direction has been given by this Court in C.R.P.(MD).No.306 of 2017, this Court is of the view that nothing really survives for further adjudication. Hence, C.R.P(MD).No.306 of 2017 is closed as infructuous. No Costs. Consequently, connected miscellaneous petitions are closed.

5. C.R.P(MD).No.678 of 2017 has been filed under the impression that something more than is still due from BSNL. This Court is satisfied that the BSNL is not withholding any further amount and that it has not paid more than Rs.5,00,000/- to Manju. Therefore, the apprehension in C.R.P(MD).No.678 of 2017 also does not survive for further consideration, in view of the stand taken by the BSNL before this Court. Therefore C.R.P(MD).No.678 of 2017 is closed. No Costs.

6. This Court is of the view that this matter deserves to be speedily adjudicated. Therefore a direction is given to the learned Principal District Judge, Trichy to take up G.W.O.P.No.21 of 2014 and G.W.O.P.No.4 of 2015 together and dispose them of within a period of six months from the date of receipt of a copy of this



order. It is made clear that the said GWOPs would be disposed of on the basis of the material available before the Court below and it shall not be influenced in any manner by what transpired in these Civil Revision Petitions.

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/True Copy/

Sd/-
Assistant Registrar(CS-III)

Sub Assistant Registrar(CS-IV)

To

1. The Principal District Judge,
Tiruchirappalli.
2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (**2 copies**)

+1CC to M/s.K.Prabhakar, Advocate, SR.No.79433
+1CC to Mr.K.Govindarajan, Advocate, SR.No. 79055

C.R.P. (MD) Nos.306 and
678 of 2017
16.08.2018

PJL
ES/PM/SAR 4/17.09.2018/4P/6C