



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2018

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**THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

C.R.P. (MD) No.1331 of 2018

and

C.M.P. (MD) No.5668 of 2018

M.Gandhimathi

... Petitioner/Petitioner / Proposed  
Respondent No.13

Vs.

P.Subbaiah Pillai (Died)

1.Akilandam

K.Subramanian (Died)

2.Thangarathinam

3.S.S.Arumugam

4.Chandrasekar

5.Visalakshi

6.Uma Maheswari

7.Venkatakrishnan

8.Ponraj

9.Minor.Arul Prabhakaran

10.Minor.Vijay Prabhakaran ... Respondents/Respondents /  
(Minors rep. by their next friend Defendants

and

natural guardian, the 8<sup>th</sup> respondent -  
Ponraj)

Prayer:- This Civil Revision Petition is filed under Article 227 of the Constitution of India, seeking to set aside the order dated 29.06.2015, made in E.A.No.14 of 2014 in E.P.No.64 of 2008 in O.S.No.41 of 2004, on the file of the Principal District Munsif Court, Ambasamudram and allow the Civil Revision Petition.

For Petitioner

: Mr.S.Krishnan

**ORDER**



E.P.No.64 of 2008 in O.S.No.41 of 2004, on the file of the Principal District Munsif Court, Ambasamudram.

2.The petitioner, who is one of the legal heirs of one P.Subbaiah Pillai, has filed an application in E.A.No.14 of 2014 seeking to implead herself as a legal heir of the said P.Subbaiah Pillai along with the first respondent herein.

3.According to the petitioner, the petitioner and the first respondent are the legal heirs of Late.P.Subbaiah Pillai. Without impleading the petitioner as one of the legal heirs of Late.P.Subbaiah Pillai, the first respondent has filed E.P.No.64 of 2008 before the Principal District Munsif Court, Ambasamudram, for execution of decree in O.S.No.41 of 2004 in her favour. Therefore, the petitioner seeks to implead herself as one of the legal heirs of Late.P.Subbaiah Pillai.

4.In the affidavit, the petitioner has averred that she has filed O.S.No.227 of 2012 before the District Munsif Court, Kovilpatti, against the respondents herein, seeking to declare her as one of the legal heirs of Late.P.Subbaiah Pillai. But, the learned Principal District Munsif, Ambasamudram, without considering the same dismissed E.A.No.14 of 2014 in E.P.No.64 of 2008 in O.S.No.41 of 2004, holding that already the suit filed by the petitioner before the District Munsif Court, Kovilpatti, is pending and she is aware of the court proceedings and has not produced any required documents to the Court. Challenging the said order, the petitioner has come forward with the present Civil Revision Petition.

5.Heard the learned counsel appearing for the petitioner.

6.It is the case of the petitioner that at the time of filing of E.A.No.14 of 2014, the suit in O.S.No.227 of 2012 filed by the petitioner before the District Munsif Court, Kovilpatti, was not disposed and therefore, she has averred in the affidavit in respect of pendency of the suit. However, without considering the same, the learned Principal District Munsif, Ambasamudram, has dismissed the application on the ground of delay. Now, she has obtained a decree in O.S.No.227 of 2012 on 28.02.2018, in her favour.

7.In view of the above, this Civil Revision Petition is allowed and the order dated 29.06.2015, passed in E.A.No.14 of 2014 in E.P.No.64 of 2008 in O.S.No.41 of 2004, by the learned Principal District Munsif, Ambasamudram, is set aside. The petitioner is at liberty to file a copy of the judgment and decree dated 28.02.2018 made in O.S.No.227 of 2012 before the Court below within a period of one week from the date of receipt of a copy of this order. The learned Principal District Munsif, Ambasamudram, is directed to consider E.A.No.14 of 2014 afresh and pass orders on merits and in accordance with law, within a period of four weeks thereafter, after



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providing an opportunity to both the parties. No costs.  
Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar

**To**

The Principal District Munsif,  
Ambasamudram.

SMN2  
RJ/RSK/SAR-1/13/07/2018 - 3P/2C

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