



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.57 of 2016

S.Ramachandran

.. Petitioner/Petitioner/
Proposed 3rd Defendant

vs.

1. A.Alwar

.. 1st Respondent/1st Respondent/
Plaintiff

2. The Government of Tamil Nadu,
through the District Collector,
Tirunelveli.

3. The Thasildar,
Palayamkottai Taluk,
Palayamkottai,
Tirunelveli District.

.. Respondents 2 & 3/
Respondents 2&3/
Defendants

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the fair and decreetal order dated 28.08.2015 passed in I.A.No.733 of 2014 in O.S.No.81 of 2013 on the file of the learned Principal District Munsif, Tirunelveli.

For Petitioner : Mr.R.T.Arivukumar
For Respondent No.1 : dismissed
For Respondents Nos.2 & 3 : Mr.M.Karuppasamy
Government Advocate

ORDER

The first respondent herein filed O.S.No.81 of 2013 on the file of the Principal District Munsif, Tirunelveli seeking declaration that she is the legal heir of her husband Aswathi. In the said suit proceedings, the revision petitioner herein wanted to get himself impleaded and contest the said claim. Hence, he filed I.A.No.733 of 2014. According to the revision petitioner, the said Aswathi had already divorced the first respondent herein and that the said first respondent cannot be considered as the legal heir of the said Aswathi. The said IA was however dismissed by the Court below on 28.08.2015. Questioning the same, this Civil Revision Petition



has been filed.

2. In this petition also, the revision petitioner did not take any steps in time. Therefore, this Civil Revision Petition got dismissed insofar as R1 is concerned. In the absence of R1, this Court cannot pass any binding orders. Be that as it may, since the suit itself has been disposed of in the meanwhile, this Court is not in a position to give any further relief to the petitioner. However, the petitioner is given liberty to file a first appeal to question the judgment and decree made in O.S.No.81 of 2013 on the file of the Principal District Munsif, Tirunelveli.

3. With this liberty, the Civil Revision Petition is disposed of. No Costs. It is made clear that all the contentions available to the revision petitioner are left open.

Sd/-

Joint Registrar (Judicial)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Principal District Munsif,
Tirunelveli.
2. The District Collector,
Government of Tamil Nadu,
Tirunelveli.
3. The Thasildar,
Palayamkottai Taluk,
Palayamkottai,
Tirunelveli District.

+ 1 CC TO Mr.R.T.ARIVUKUMAR, ADVOCATE IN SR No. 84197
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 84045

PJL

KK/RP/SAR-2 : 23/10/2018 : 2P/6C

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