



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.09.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.PD[MD]No.795 of 2016
and
C.M.P.[MD]No.4011 of 2016

1.Veeralakshmi
2.Minor Parkavi
[Minor petitioner rep by her mother and
her natural guardian, the 1st petitioner]
: Petitioners/Respondents 1 and 2/
Defendants 1 and 2

Vs.

1.Maheswari
2.R.Pasupathy
3.R.Ramaraj
4.R.Bala Gubendran : Respondents 1 to 4/Petitioners 2 to 5
/Plaintiffs 2 to 5
5.Director of Ex-Servicemen Welfare Board,
Through its Director,
Chennai - 22. : 5th Respondent/3rd Respondent/3rd Defendant

PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, praying to set aside the fair and ex order dated 27.01.2016 made in I.A.No.645 of 2015 in O.S.No.30 of 2009 on the file of the Family Court Judge, Madurai.

For Petitioners : Mr.R.Suriya Narayanan
For Respondent No.1 : Mr.S.Alagusundar
Respondents 2 to 4 : Left
For Respondent No.5 : Mr.M.Karuppasamy

O R D E R

The defendants in O.S.No.30 of 2009 on the file of the Family Court, Madurai are the revision petitioners herein. In the said suit, I.A.No.645 of 2015 was filed for incorporating the relief of declaration. The Court below allowed the said Interlocutory Application. Questioning the same, this Civil Revision Petition is filed.

2.This Court is of the view that the interest of the revision petitioners can be taken care by holding that the amendment will come into effect on the date when I.A.No.645 of 2015 was filed. In other words, it will not relate back to the institution of the suit. The revision petitioners are at liberty to file additional written statement raising the plea of limitation and maintainability. The



suit is of the year 2009. Therefore, the Court below is directed to dispose of the same within a period of four [4] months from the date of receipt of a copy of this order.

3. The Civil Revision Petition is dismissed, with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar (CS-IV)

To

1. The Judge,
Family Court,
Madurai.

2. The Director,
Director of Ex Servicemen Welfare Board,
Chennai 22.

+1cc to Mr. S. Alagusundar, Advocate, SR.No.86628

+1cc to Mr. R. Suriya Narayanan, Advocate, SR.No.86542

C.R.P.PD[MD] No.795 of 2016
25.09.2018

mr

KK/RP/SAR-4/01.11.2018/2P-5C