

**THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B.
RADHAKRISHNAN**
AND
THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

WRIT PETITION No.35132 OF 2012

ORDER: (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

When this matter is taken up today, the learned counsel for the contesting respondents pointed out that O.S.No.71 of 2010 had been dismissed, though for default, by the Principal Junior Civil Judge, Markapur. We record the submission of the learned counsel for the writ petitioners that an application for restoration has been filed by the plaintiff in that suit.

2. The Property Association of Baptist Churches Private Limited is shown to be the plaintiff in O.S.No.71 of 2010, going by the contents of the order, dated 23.09.2010, issued in I.A.No.1035 of 2010 in that suit. The writ petitioners claim that they are the transferees of that plaintiff. If that be so, they claim right under the plaintiff, who have sued the American Baptist Foreign Mission Society and which suit stands dismissed and it is stated to be subject to orders in the application for restoration.

3. Under the aforesaid circumstances, also falling in line with the law laid down in **Radhe Shyam v. Chhabinath**¹, we do not see that this writ petition is worth to be entertained in writ jurisdiction. We would leave the parties to seek remedies and prosecute their claims before the competent civil court, in

¹ (2015) 5 SCC 423

particular where the application for restoration in O.S.No.71 of 2010 is pending.

Subject to that, this Writ Petition is dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

V.RAMASUBRAMANIAN, J

23.07.2018
Pln/vs

