

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2019

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

C.R.P.(NPD).No.949 of 2015

Jeevarathinam Ammal

... Petitioner

Vs.

1.Parameswari Ammal

2.State of Tamil Nadu
Rep.by the District Collector,
Cuddalore District, Cuddalore.

3.The Accountant General of State of TamilNadu
Teynampet, Chennai – 18.

4.The Director of Pensions of the State
of TamilNadu,
DMS Campus, Chennai – 6.

5.The Treasury Officer,
Collectorate Buildings,
Cuddalore – 1.

... Respondents

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PRAYER: Civil Revision Petition filed under Section 115 of CPC, to set aside the judgment and decree dated 30.07.2009 passed by the I Additional Sub Court, Cuddalore in A.S.No.54 of 2008 confirming in part the judgment and decree dated 29.10.2008 in O.S.No.949 of 2004 on the file of the Principal District Munsif Court, Cuddalore.

For Petitioner : Mr.C.Prakasam

For Respondents : No appearance

ORDER

The present Civil Revision Petition is directed against the fair and decretal order dated 30.07.2009 passed by the I Additional Subordinate Judge, Cuddalore in A.S.No.54 of 2008 in O.S.No.949 of 2004.

2.By the impugned judgment, the Appellate Court has dismissed A.S.No.54 of 2008 filed by the petitioners against the decree and judgment dated 29.10.2008 passed by the Principal District Munsif, Cuddalore in O.S.No.949 of 2004.

3.The said suit was filed by the 1st respondent/plaintiff for permission to sue as an indigent person for permanent injunction restraining the petitioner/1st defendant from getting family pension of the deceased Kandasamy chettiar and for mandatory injunction directing the 2nd to 4th respondents/2nd to 4th defendants to disburse the family pension to the 1st respondent/plaintiff and for recovering

of Rs.30,000/- with interest at 12% p.a. The said suit was allowed on 29.10.2008.

4.Aggrieved by the same, the petitioner filed A.S.No.54 of 2008 which was dismissed on 30.07.2009.

5.Aggrieved by the said judgment the present Civil Revision Petition has been filed by the petitioner as no further appeal is maintainable.

6.Heard the learned counsel for the petitioner. Though names of the respondents are printed in the cause list there is no representation for the respondents.

7.The learned counsel for the petitioner submits that during the pendency of the present Civil Revision Petition the contesting respondent i.e 1st respondent/plaintiff has passed away and same stands recorded. The dispute pertain to the rival claim for pensionary benefits. Since the 1st respondent has passed away without legal heirs, the petitioner is permitted to workout the remedy in accordance with law.

C.SARAVANAN, J.

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8.Accordingly, the present Civil Revision Petition stands disposed. No cost.

30.07.2019

Index:Yes/No
Internet:Yes/No

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To

1.The Principal District Munsif Court,
Cuddalore.

2.The Section Officer, V.R.Section,
High Court, Madras.

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