

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD) No.2632 OF 2019

1.M.Divakar

2.M.Nithya

... Petitioners

Vs.

Kaliammal (Deceased)

Meenatchi

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, praying to direct the District Munsif, Rasipuram to number and dispose the A.R.D.No. Unnumbered of 2018 in O.S.No.36 of 2013.

For Petitioners : Mr.S.Senthilkumar

For Respondent : No Appearance

ORDER

The petitioners filed a suit for injunction against the mother of the respondent herein. During the pendency of the suit, the defendant died. Since the suit has become infructuous, the petitioner filed a petition for return of original documents which were marked before the

Court. However, the application filed by them was dismissed for default. Against which they filed another application impleading Legal Representatives of deceased defendant which was dismissed by trial Court as not maintainable.

2. The facts and circumstances of the case goes to show that the injunction suit have become infructuous after death of defendant against whom the cause of action said to have arisen. The plaintiffs are entitled to get documents and cannot be rejected on technical grounds. Considering the same, this Court is inclined to direct the District Munsif Court, Rasipuram to number A.R.D. Sr.No.3012 of 2018, dated 18.08.2018 in O.S.No.36 of 2013 pending on its file.

3. Accordingly, a direction is issued to the District Munsif Court, Rasipuram to number A.R.D.Sr.No.3012 of 2018, dated 18.08.2018 in O.S.No.36 of 2013, pending on its file, and to dispose of the same on merits.

4. The Civil Miscellaneous Petition is disposed of with the above observation and direction. No costs.

13.08.2019

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Index: Yes / No

Speaking order / Non speaking order

To

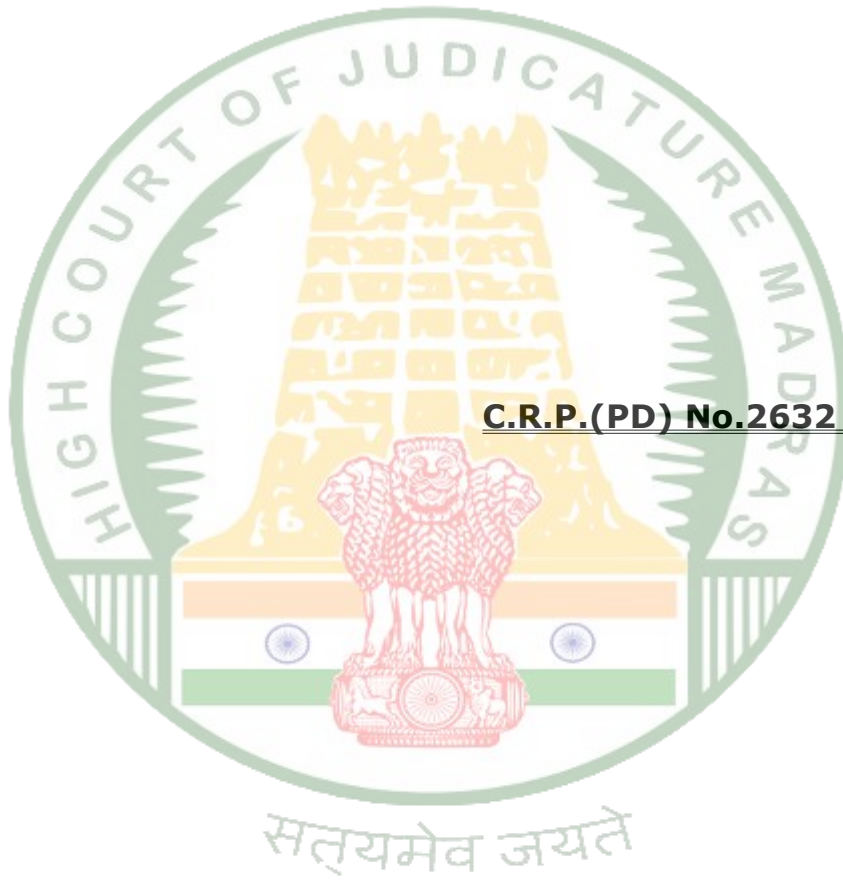
The District Munsif Court, Rasipuram.



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M.GOVINDARAJ, J

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