



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and
The Hon`ble Mr.Justice C.SARAVANAN

CMP(MD) No.9059 of 2018
IN
WA(MD) No.452 of 2012

1.KAREEM

2 GURUMOORTHY
POLICE CONSTABLE,
POLICE NO.
THOTTIYAM POLICE STATION,
TRICHY DISTRICT.

... PETITIONERS/PETITIONERS

Vs

1.S.MUTHU
2 M.MALLIKA

3 MINOR.M.SATHIYA
D/O.LATE MOORTHY @ RAMAMOORTHY,

4 MINOR.M.GOPAL
S/O.LATE MOORTHY @ RAMAMOORTHY,
(R3&R4 ARE REP.BY R2 NATURAL GUARDIAN- MOTHER)

5 STATE OF TAMILNADU
REP.BY HOME SECRETARY,
SECRETARIAT, FORT ST.
GEORGE, CHENNAI.

6 THE DIRECTOR GENERAL OF POLICE
POST BOX.NO.601,
DR.RADHAKRISHNAN SALAI,
CHENNAI-4.

7 THE REVENUE DIVISIONAL OFFICER
DISTRICT COLLECTRATE, TRICHY.

8 THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
MANAPPARAI, TRICHY DISTRICT.



9 CHITRAVELU

... RESPONDENTS/RESPONDENTS

10 ANTHONI

... RESPONDENT/RESPONDENT

(Died on 03.09.2011 Hence given up)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to restore the dismiss for default against R2 & R9 dated 18.08.2015 in W.A.(MD)No.452 of 2012 on the file of this Honourable court and any pass such further or other orders as this Honble court may deem fit and proper in the circumstances of the case and thus render justice.

PRAYER IN WA(MD) .No.452 of 2012:-

To allow the Writ appeal and to set aside the order passed by this Hon'ble Court in WP(MD).No.2943 of 2011 dated 23.04.2012.

Prayer in WP(MD) . 2943/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the first respondent to grant Rs.10,00,000/- as compensation to the petitioner and his sons family for the unnatural death of his son Moorthy.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.G.SANKARAN, Advocate for the petitioner and of M/S.U.NIRMALA RANI , Advocate for R1, the court made the following order:-

[Order of the Court made by **S.S.SUNDAR, J.**]

This petition is filed to restore W.A.(MD)No.452 of 2012, which was dismissed for default on 18.08.2015 as against the respondents 2 to 9 for non-payment of batta.

2.Heard the learned Counsel for the petitioners and the learned Counsel for the first respondent.

3.The petitioners earlier filed a petition to condone the delay of 706 days in filing the above restoration petition and the delay has been condoned. The learned Counsel for the first respondent has no serious objection to allow this petition. We are also satisfied with the reasons stated in the affidavit filed in support of this petition. Hence, this petition is allowed on condition that the petitioner pay a sum of Rs.2,000/- (Rupees Two Thousand) to the Legal Aid Service Authority, attached to this Bench, within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition shall automatically be dismissed without further reference to Court. The order in W.A.(MD)No.452 of 2012, dated 18.08.2015 is restored.



4.It is submitted that the petitioners have paid batta to the respondents 2 to 9. However, there is no averments in the affidavit filed in support of this petition to that effect. Hence, the petitioners are directed to pay batta due, if any, for the respondents within a period of two weeks from today.

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sd/-
24/01/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE HOME SECRETARY,
STATE OF TAMILNADU
SECRETARIAT, FORT ST.
GEORGE, CHENNAI.
- 2 THE DIRECTOR GENERAL OF POLICE
POST BOX.NO.601,
DR.RADHAKRISHNAN SALAI,
CHENNAI-4.
- 3 THE REVENUE DIVISIONAL OFFICER
DISTRICT COLLECTRATE, TRICHY.
- 4 THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
MANAPPARAI, TRICHY DISTRICT.

COPY TO:- THE OFFICER INCHARGE,
LEGAL AID SERVICE AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP(MD) No.9059 of 2018
IN
WA(MD) No.452 of 2012
Date :24/01/2019

AE/PN/SAR-IV/11.02.2019/3P/6C