



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.09.2019
CORAM:

THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY

C.R.P. (MD)No.1607 of 2019
and
C.M.P. (MD)No.8451 of 2019

1.Minor Shahsvatha
2.Minor Sanjay Ramdev ... Petitioners
(Minors petitioner herein are rep by
their father and Natural Guardian R.Lakshmi Anandan)

Vs.

1.Lakshmi Anandan
2.Kavitha
3.R.S.Manavalan
4.Ramnath

5.The Sub Registrar,
Bodinaikanur.

6.The Sub Registrar,
Chinnamanur.

7.The Commissioner,
Allinagaram Municipality,
Theni.

8.The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam.

9.The District Collector,
Theni.

... Respondents

Prayer: The petition filed under Article 227 of the Constitution of India, against the docket order dated 29.08.2019 in O.S.No.52 of 2015 passed by the Additional District Court, Theni.

For Petitioners : Mr.B.Anandan

ORDER

This Civil Revision Petition has been filed challenging the docket order dated 29.08.2019 passed in O.S.No.52 of 2015 by the Additional District Court, Theni, whereby, Mr.P.Valagurunathan has been appointed as Court guardian for the petitioners / D3 and D4.



2.The defendants 1 and 2 are the father and mother of the defendants 3 and 4, who are minors. On 29.08.2019, the Court below suo motu appointed one Mr.P.Valagurunathan, Advocate, as Court guardian for minors D3 and D4 by fixing remuneration at Rs.3,000/- and also directed the plaintiffs to pay the said sum directly to the Court guardian.

3.The learned counsel for the revision petitions would submit that when the father and mother of the defendants 3 and 4 are very much available, the Court below ought to have appointed the Court guardian for the petitioners herein. He also submitted that an application has also been filed to set aside the exparte order and the same is pending.

4.Heard the learned counsel for the revision petitioner.

5.Considering the submissions made by the learned counsel appearing for the revision petitioner and on perusal of the ex parte order dated 29.08.2019 passed by the Court below, this Court is of the view that when the natural guardian viz., father and mother of D3 and D4 are very much available, appointing a Court guardian is not necessary. Therefore, this Court is of the view that it is appropriate to issue direction to the Court below to dispose of the application for setting aside the expart order dated 29.08.2019.

6.Accordingly, the learned Additional District Judge, Theni is hereby directed to dispose of the application for setting aside the order dated 29.08.2019 on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order. In the mean time, there shall be an order of interim stay of the operation of the order dated 29.08.2019.

7.With the above directions, this Civil Revision petition is disposed of. No costs. Consequently, connected C.M.P.is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Additional District Judge,
Theni.

2.The Sub Registrar,

<https://hcservices.hcservices.gov.in/>



3.The Sub Registrar,
Chinnamanur.

4.The Commissioner,
Allinagaram Municipality,
Theni.

5.The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam.

6.The District Collector,
Theni.

+1 CC to Mr.B.ANANDAN, Advocate (SR-87340[F] dated 18/09/2019)

C.R.P. (MD)No.1607 of 2019
17.09.2019

nbj

MK (27.09.2019) 3P 8C