

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

CORAM:
THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.R.P(PD) No.2812 of 2018
and
C.M.P.No.16447 of 2018

M.A.M.R.Muthiah,
S/o.Dr.M.A.M.Ramaswamy ... Petitioner

Versus

Dr.A.C.Muthiah
S/o.Dr.M.A.Chidamnaram Chettiar
... Respondent/Proposed 2nd Defendant

Dr.M.A.M.Ramaswamy (died) ... 1st Defendant

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, against the order dated 09.03.2018 passed in I.A.No.18005 of 2015 in O.S.No.6359 of 2014 by the learned II Assistant City Civil Judge, Chennai.

For Petitioner : Mr.V.Raghavatchari for
M/s.T.Balaji

For Respondent : Mr.ARL.Sundaresan Sr C. for
Mr.AL.Gandhimathi

ORDER

(The case has been heard through video conference)

This Civil Revision Petition is filed challenging the order passed by the trial Court in I.A.No.18005 of 2015 impleading one Dr.A.C.Muthiah in the suit between Dr.M.A.M.Ramaswamy and M.A.M.R.Muthiah.

2. Heard the learned counsel for the petitioner and the learned senior counsel for the respondent.

3. The learned counsel for the revision petitioner would submit that the relief sought in the suit O.S.No.6359 of 2014 was to restrain the defendant M.A.M.Ramaswamy for conducting the meeting of “Chettinad Charitable Trust” on 18.11.2014. Since he has intend to unilaterally co-opt certain persons without consent of the plaintiff. It so happened that subsequent to the suit, the defendant M.A.M.Ramaswamy died and the date of meeting was also over and co-opting with A.C.Muthiah, who sought to implead the present suit was later co-opted, as a Trustee and that co-option is under challenge in O.S.No.6604 of 2014, pending on the file of the City

Civil Court, Chennai.

4. In view of the subsequent development, this Court is of the view that, nothing survives in the Civil Revision Petition as well as the main suit. Hence, the Civil Revision Petition and the suit are dismissed as infructuous without prejudice to the right of the parties to agitate their right in O.S.No.6604 of 2014 pending on the file of the II Assistant Judge, City Civil Court, Chennai. No costs.

10.12.2020

Index : Yes/No
Internet : Yes/No
rpl

To

The II Assistant City Civil Judge, Chennai. जयते

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DR.G.JAYACHANDRAN, J.



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