



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

Monday, the Twenty Eighth day of September Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.1919 of 2020

IN

CRP(MD) No.985 of 2019

MANOHAR

... PETITIONER/ PETITIONER

Vs

1 INDIRANI
2 SUMATHI
3 SRI JESLI OVANS @ MANOJ KUMAR
4 SRI JESTRAM @ VIJAYA KUMAR
5 JEYANTHI
6 MAHAMAYEE
7 KANCHANA
8 KAVITHA

9 SRI ALAGAR (DIED)

10 SAKTHI
11 MALA
12 AMARAVATHY
13 SRI SURESH (DIED)
14 SRI RAJESH
15 JAYA
16 SUMATHI (DIED)
17 SRI VIMAL
18 PAWNTHAYEE
19 SIGAMANI @ KARUPPAYEE
20 R.VENKATESAN
21 N.RANI
22 R.SARAVANAN
23 V.AMAIYAPPAN
24 BALAMURUGAN
25 SUMATHI
26 ESWARI
27 MINOR.ALAGESWARI
28 MINOR.PANDIAMMAL

... RESPONDENTS/ RESPONDENTS/

(RESPONDENTS 27 ,28 OF MINOR REPRESENT BY ITS
GUARDIAN MOTHER AND NEXT FRIEND ESWARI R.26)

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Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to appoint any officer or pleader of this Honourable Court to be the guardian of the Minor Respondents 27 and 28 for the purpose of this CRP(MD)No.985 of 2019.

Prayer in CRP(MD)No.985 of 2019:

To call for the records and set aside the fair and decreetal dated 03.04.2019 in IA No.80 of 2018 in OS No.16 of 2012 on the file of the Additional District & Sessions Court, Theni & Periyakulam and allow this Civil Revision Petition.

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.H.LAKSHMI SHANKAR, Advocate for the petitioner, and Mr.C.JEGANATHAN for M/S.VEERA ASSOCIATES for the respondents 1 to 3 and the Respondents 5 to 28 not appeared either in person or by an Advocate, the Court made the following order:-

This petition is filed to appoint any Officer or Pleader of this Court to be the guardian of the minor respondents 27 and 28 for the purpose of this Civil Revision Petition.

2.The Civil Revision Petition is filed by the plaintiff in the suit in O.S.No.16 of 2012 on the file of the Additional District and Sessions Court, Theni. The revision petitioner filed an application for amendment of plaint to include three more items to the suit schedule. That application was dismissed. As against that, the above Civil Revision Petition is filed.

3.It is submitted that during the pendency of this Civil Revision Petition, 13th respondent in this Civil Revision Petition by name Suresh, died. The respondents, 26, 27 and 28 are the widow and minor children of the said Suresh namely 13th respondent. Though the 26th respondent is the natural guardian of the minors who are respondents 27 and 28, no intimation was given by the 26th respondent. However, the revision petitioner appears to have filed a petition to implead the legal heirs of the 13th respondent in the suit. Since the 13th respondent died after the revision petition was filed, the petitioner was constrained to implead the respondents 26 to 28 in this Civil Revision Petition. Since respondents 27 and 28 are minors, the petitioner expected the mother/26th respondent to get herself appointed as guardian to defend the Civil Revision Petition on behalf of minors. However, no steps have been taken. In the said circumstances, the above petition is filed to appoint any officer or pleader of this Court to be the guardian of minors who are respondents 27 and 28, for the purpose of this lis namely this Civil Revision Petition. Despite notice to 26th respondent, no one has appeared for 26th respondent. In such circumstances,

guardian c

/ TRUE COPY /

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

THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THENI AT PERIYAKULAM.

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-6698[I] dated 29/09/2020)

ORDER IN
CMP(MD) No.1919 of 2020
IN
CRP(MD) No.985 of 2019
Date :28/09/2020

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