



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.20355 of 2015

A.L.Vallikannu

... Petitioner

-Vs-

1.The General Manager,
Indian Overseas Bank,
Welfare Section, Central Office,
763, Anna Salai, Chennai 600 002.

2.The Chief Manager,
Indian Overseas Bank,
Personnel-Administration Department,
Central Office, 763, Anna Salai, Chennai 600 002.

3.The Regional Manager,
Indian Overseas Bank,
Cantonment, Trichy 1.

4.The Branch Manager,
Indian Overseas Bank,
Crawford Branch, Trichy 12.

5.Mahalakshmi

6.Minor Anupriya

7.Minor Nagendravarma

...

Respondents

(R5 to R7 are impleaded vide Court order dated 11.02.2019 in W.M.P (MD).No.8221 of 2017)

Minors 6 & 7 are represented by their natural guardian and mother -the 5th respondent.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to implement the order passed in O.S.No.362 of 2011 on the file of the Principal District Munsif Court, Tiruchirappalli dated 10.09.2013 for sanctioning the death terminal benefits of the petitioner's husband namely S.P.Alagappan to the petitioner and also directing the respondents to pay the pension to the petitioner.

For Petitioner	:	Mr.C.Vakeeswaran
For Respondents	:	No appearance for R1 to R3 Mr.N.Dilipkumar for R4 Mr.V.Selva for R5 to R7



ORDER

The relief sought for in the present writ petition is to direct the respondents to implement the order passed in O.S.No.362 of 2011 on the file of the Principal District Munsif Court, Tiruchirapalli, dated 10.09.2013.

2. Interestingly, the writ petition is filed to implement the judgment and decree passed by the Civil Court. Thus, the writ Petition is not entertainable. This Court is of the considered opinion that the judgment and decree of the Civil Court are to be executed in the manner prescribed under the Code of Civil Procedure. A writ petition under Article 226 Constitution of India cannot be filed for the execution of the Civil Court decree.

3. The very relief sought for is to implement the decree of the Civil Court. Thus, the petitioner is at liberty to approach the competent Court of law for the purpose of redressing her grievances with reference to the decree passed in O.S.Nos.1569 of 2010 and 362 of 2011. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

+1 CC to M/s.C.VENKEESWARAN, Advocate (SR-24768[F] dated 10/12/2020)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-25002[F] dated 10/12/2020)

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