

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Twenty Fifth day of March Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE T.RAJA

AND

THE HON`BLE MR JUSTICE G. CHANDRASEKHARAN

CMP No.14705 of 2019
IN AS.NO.113 OF 1993

1 L.RMK.L.KANNAN [PETITIONERS]
S/O LATE L.RMK LAKSHMANAN CHETTIAR,
7/4 MIDDLE ST., NATTARASAN KOTTAI,
SIVAGANGA TK & DISTRICT.

2 LR.MK.L.ANNAMALAI @ VALLIAPPAN

3 LRMK.L THEIVENAI ALAIS MEYYAAMMAI ACHI

4 L.VALLINAYAGI

Vs

1 L.RMK SUBRAMANIAN CHETTIAR [RESPONDENTS]

2 L.RMK VALLIPPA CHETTIAR (DIED)

3 L.RMK.RM.RAVINDERAN @ RAMAKRISHNAN,

4 L.RMK, RM.ANNAMALAI

5 L.RMK.RM.RAMESH

6 L.RMK.SP.RAJENDRAN @ RAMANATHAN,

7 L.RMK.SP.RAMAKRISHNAN @ SARAVANAN,

8 L.RMK.V.NARAYANAN @ RAMAKRISHNAN,

9 L.SUBRAMANIAN CHETTIAR (DIED)

10 SP.RM.L, RAMAKRISHNAN CHETTIAR (DIED),

11 L.RMK. VALLIAMMAL ACHI (DIED)

12 L.RMK.NARAYANAN CHETTIAR (DIED),
ALAIS LAKSHMI NARAYANAN CHETTIAR

13 L.RMK.AMIRTHAM @ KANNAMMAL ACHI (DIED),

14 L.RMK.SP.NACHAMMAI @ SANTHANAM ACHI,

15 L.RMK.VASANTHA ACHI

16 ST.S.THEIVANAI ACHI

17 ST.S.KARUNAITHI

18 L.KN.KTHIRUVATHAL @ ALAMELU ACHI (DIED),

19 L.KN. RAMANATHAN @ SINGARAM CHETTIAR,

20 L.KN LAKSHMANAN @ MANIAKAM CHETTIAR (DIED),

21 L.SP.KALAYANI @ UMayAL ACHI (DIED),

22 L.SP.RAMANATHAN @ PADMANATHAN CHETTIAR,

23 L.SP. KANNAAPPAN CHETTIAR

24 L.SP.LAKSHMANAN @ SENTHILNATHAN CHETTAIR,

25 UNNAMALAI TRUST REP. BY TRUSTEES,
L.RAMAKRISHNAN CHETTIAR
AT 7/24, MIDDLE ST., NATTARASANKOTTAI,
SIVAGANGAI TALUK AND DISTRICT.

&
L.RM.K.VALLIAMMANI ACHI,

26 A.NATARAJAN

27 SP.MEENAKSHI

28 V.VALLIMAMMAL @ MEENAKSHI

29 C.MEENAKSHI ACHI

30 C.SAKUNTHALA ACHI

31 C.SARADHA ACHI

32 K.N.VISALAKSHI

33 C.VIJAYA @ VIJAYALAKSHMI

35 N.VALLISHREE

36 L.VALLIAMMAI

37 R.GEETHA

38 S.VIJAYA

39 L.SENTHIL KUMAR

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to appoint the 1st Petitioner/9th Appellant as a Joint Party Receiver to suit B and C Schedule Properties in O.S.No.43/1982 on the file of Sub Court Sivagangai (IN CMP.NO.14705 OF 2019) pending disposal of the above appeal IN AS.NO.113 OF 1993.

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.S.Parthasarathy, Senior Counsel for M/S.SARVABHAUMAN ASSOCIATES, for the petitioner and of Mr.T.M.Hariharan, ADVOCATE for the 1st Respondent and Mr.T.R.Rajaraman, ADVOCATE on behalf of the 24th Respondents the court made the following order:-

(Order of the Court was made by T.RAJA, J.)

C.M.P.No.14705 of 2019 in A.S.No.113 of 1993 has been taken out by Mr.L.RMK.L.Kannan alias Ramakrishnan, Mr.L.RMK.L.Annamalai alias Valliappan, Mrs.L.RMKL.Theivanai alias Meyyammai Achi and Ms.L.Vallinayagi, the Petitioners herein/Appellants 9, 10 & Respondents 8, 22 in the appeal, seeking to appoint the 1st Petitioner/9th Appellant, namely, Mr.L.RMK.L.Kannan alias Ramakrishnan as a Joint Party Receiver to the suit 'B' & 'C' schedule properties in O.S.No.43 of 1982 on the file of the Sub Court, Sivaganga.

2. Mr.S.Parthasarathy, learned Senior Counsel appearing for the petitioners herein pleaded that the petitioners 1 & 2 are brothers, the third petitioner is the mother of the petitioners 1, 2 & 4 and the fourth petitioner is the sister of the petitioners 1 & 2, therefore, they have jointly filed the present petition seeking to appoint the first petitioner as a Joint Party Receiver on the facts and circumstances of this case. Since the 9th Respondent herein L.Subramanian Chettiar filed a suit for partition in O.S.No.43 of 1982 on the file of Sub Court, Sivaganga, he has also filed I.A.No.425 of 1982 for appointment of a Receiver for managing the suit 'B' & 'C' schedule properties. Considering the extent of the aforementioned suit schedule properties, the learned Subordinate Judge, Sivaganga, by his order dated 19.6.96, appointed one Mr.Periakaruppan, Advocate, Sivaganga as Receiver. Aggrieved thereby, SP.RM.L.Ramakrishnan Chettiar, 1st Defendant/10th

Respondent herein, has filed appeal in C.M.A.No.505 of 1986 before this Court. This Court, considering the various objections and the submissions made by both parties, setting aside the order of the learned Subordinate Judge, appointed the Defendants 7 & 27, who are the respondents 12 & 23 herein as party Receivers in respect of the suit schedule properties 'B' & 'C', which are the two coffee estates in Yercaud, Salem District having an extent of 840 acres, by order dated 15.4.87. During the pendency of the matter, after the death of one of the party receivers, namely, L.RMK.Narayanan/7th Defendant, on 3.10.86, the 2nd Respondent herein/6th Defendant was appointed as a Joint Party Receiver by order dated 24.12.96 passed in C.M.P.No.16801 of 1996 in A.S.No.113 of 1993. Unfortunately, the 2nd Respondent/6th Defendant also passed away on 26.1.2019. In view of the above circumstances, the present application has been taken out with the prayer as mentioned above.

3. We have heard Mr.S.Parthasarathy, learned Senior Counsel appearing for the Petitioners, Mr.T.M.Hariharan, learned counsel appearing for the 1st Respondent and Mr.T.R.Rajaraman, learned counsel appearing for the 24th respondent herein. Except the learned counsel appearing for 1st Respondent, no other counsel opposed the prayer. Mr.K.M.Ramesh, learned counsel appearing for the Workers Union also stated that without appointing the joint party Receiver, it will be very difficult to manage the estates by one Receiver.

4. We are unable to find any justification in the objection made by the learned counsel appearing for the 1st Respondent. The reason being, when the wages of the estate workers are being paid by collecting the proceeds from the sale of coffee leaves etc., we are of the view that the appointment of the second Joint Party Receiver will not only be in the interest of the workers, but also be in the larger interest of the estates. Therefore, this civil miscellaneous petition stands allowed as prayed for and Mr.L.RMK.L.Kannan alias Ramakrishnan is appointed as the Joint Party Receiver in respect of the suit schedule 'B' & 'C' properties in O.S.No.43 of 1982 on the file of Sub Court, Sivaganga. Mr.S.Parthasarathy, learned Senior Counsel for the Petitioners herein is directed to take suitable instructions for clearing the arrears of wages to all the plantation workers.

Post the appeal on 07.04.2021 along with the connected matters.

-sd/-

25/03/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SUBORDINATE JUDGE,
SIVAGANGA

2. THE JOINT RECEIVER

L.RMK.L.KANNAN @ RAMAKRISHNAN,
S/O LATE L.RMK LAKSHMANAN CHETTIAR,
7/4 MIDDLE ST., NATTARASAN KOTTAI,
SIVAGANGA TK & DISTRICT.

3 MR.S.PARTHASARATHY,

SENIOR COUNSEL,

for M/S.SARVABHAUMAN ASSOCIATES,
HIGH COURT, MADRAS-104.

MOBIL NO.9840252428

C.C. to M/S.SARVABHAUMAN ASSOCIATES SR.NO.2076/2021

Order

in

CMP No.14705 of 2019

IN AS.NO.113 OF 1993

Date :25/03/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
VC (31/03/2021)P



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