



W.P(MD)No.5780 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.5780 of 2013

J.Jesumary

... Petitioner

Vs.

The Secretary to Government
External Affairs Department,
Government of India,
New Delhi.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to grant consent to the petitioner under Section 86 of Civil Procedure Code for filing civil suit claiming damages and death compensation against Royal Embassy of Saudi Arabia, New Delhi and the Kingdom of Saudi Arabia for the murder of the petitioner's husband Tiyanon Anthoniappan at Saudi Arabia by considering the petitioner's application dated 08.05.2012 within the time limit that may be fixed by this Court.



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For Petitioner : Mr.A.Rahul

For Respondent : Mr.G.Rajaraman

ORDER

The present writ petition has been filed seeking a direction, directing the respondent to grant consent to the petitioner under Section 86 of Civil Procedure Code, for initiating civil suit claiming damages and death compensation as against Royal Embassy of Saudi Arabia, New Delhi, for the murder of the petitioner's husband namely Tiyanon Anthoniappan at Saudi Arabia, after considering the application of the petitioner dated 08.05.2012.

2.According to the learned counsel for the petitioner, her husband was working in high seas. He was murdered by unknown persons. As per the laws of the Saudi Arabia, the family of the murdered person, is entitled to receive compensation from the State or from the murderer.

3.The learned counsel for the respondent has brought to the notice of this Court that a writ petition has been filed by the same petitioner in



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WP(MD)No.3650 of 2010, under which, the petitioner has sought for a direction as against the Embassy of India and Saudi Arabia as well as the official respondents, to pay compensation to the petitioner within a time frame fixed by this Court and to direct the respondents 1 and 2 to arrange for settlement of death compensation of the petitioner's husband. In the said writ petition, an order has been passed on 27.04.2022, directing the present respondent herein, to find out the possibility of granting compensation to this petitioner, possibly within a period of six months from the date of receipt of a copy of that order.

4.Since the issue has already been taken up by the present respondent herein in view of the order passed in WP(MD)No.3650 of 2010, I do not find any reason to burden the present writ petitioner by preferring to file a civil suit after getting permission from the concerned authorities.

5.In view of the above said discussion, the Writ Petition is closed with liberty to the petitioner to pursue her remedy pursuant to the order



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dated 27.04.2022 made in W.P(MD) No.3650 of 2010. No costs.

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Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR ,J.

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Order made in
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