



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.02.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P (MD).No.289 of 2022

R.Kalavathi

... Petitioner/Petitioner/
Plaintiff

Vs.

V.Kannan

... Respondent/Respondent/
Defendant

PRAYER : This Civil Revision Petition is filed under Article 227 of Constitution of India, to allow the Civil Revision Petition by directing the District Munsif Court, Thirumangalam, Madurai District to number the Unnumbered E.P.No.....of 2021 in O.S.No.111 of 2014.

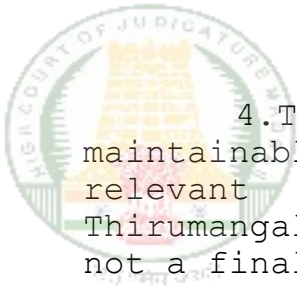
For Petitioner : Mr.S.Mahalingam

O R D E R

This Civil Revision Petition has been filed to direct the learned District Munsif Court, Thirumangalam, Madurai District to number the Unnumbered E.P.No.....of 2021 in O.S.No.111 of 2014.

2.The learend consel for the revision petitioner submitted that the revision petitioner has filed E.P.No.....of 2021 in O.S.No.111 of 2014 for permanent injunction, which was returned by the learned District Munsiff, Thirumangalam, Madurai District on the ground that the petition is not maintainable since the petitioner is not a party to the judgment. He further submitted that as one of the trustees, the petitioner has filed a Execution Petition.

3.Perusal of records shows that the petitioner has not filed any document to prove that she is one of the trustees. Further the suit in O.S.No.111 of 2014 was filed by one T.Mathialagan as individual capacity not as the representative of the trust. So all the legal heirs of Mathialagan (original plaintiffs) has to be added and then only right to Execution Petition. If the petitioner filed sufficient document to prove that she is the legal heirs of original plaintiff, the Court can entertain E.P. at this stage.



4. Therefore, this Civil Revision Petition is not maintainable. The revision petitioner is directed to file all relevant documents before the learned District Munsiff, Thirumangalam, Madurai District. The order is only a written order not a final order.

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5. With the above observation, the Civil Revision Petition stands disposed of. No costs

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

vsd

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The District Munsif Court, Thirumangalam,
Madurai District.

C.R.P (MD) .No.289 of 2022
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