



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.02.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P (MD).No.360 of 2022

and

C.M.P (MD)No.1579 of 2022

M.Manickammal ...Petitioner/Petitioner/3rd Respondent

Vs.

1.A.Arputhasahayarexy ...1st Respondent/1st Respondent/
Petitioner

2.B.Moammed Idthris.

3.The Branch Manager,
Sola Mandalam MS General
Insurance Company Limited,
No.86D/14, Pillayar Kovil Street,
Pattukottai Taluk,
Thanjavur District.

...Respondents 2&3/Respondents 2&3/
Respondents 1 & 2

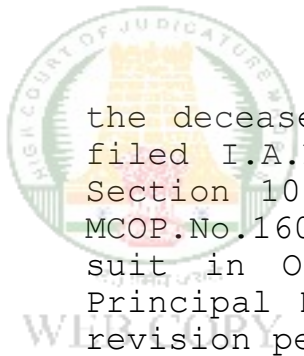
PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Principal District Judge, Thanjavur to take the petitioner's petition in A.No.14526 of 2021 in unnumbered I.A.No.....of 2021 in MCOP.No.1607 of 2019 filed under Section 10 and 151 of CPC on file and proceed with the case in accordance with law and allow this Civil Revision Petition.

For Petitioner : Mr.A.Haja Mohideen

O R D E R

This Civil Revision Petition has been filed to direct the learned Principal District Judge, Thanjavur to take the petitioner's petition in A.No.14526 of 2021 in unnumbered I.A.No.....of 2021 in MCOP.No.1607 of 2019.

2.The petitioner and her husband have filed MCOP.No.15 of 2020 before the Motor Accidents Claims Tribunal/Principal District Judge, Thanjavur to claim compensation for the death of their son Senthilnathan, who died in the accident. One Aruputhasakayarexy, who is the wife of the deceased has filed another MCOP.No.1607 of 2019 for compensation. So the revision petitioner and her husband have filed a suit in O.S.No.141 of 2021 under Order VII Rule 1 of CPC before the learned District Munsiff, Thanjavur, to declare that the first respondent herein/1st defendant is not a legally wedded wife of



the deceased Senthilnathan. Thereafter, the revision petitioner has filed I.A.No.....of 2021 in MCOP.No.1607 of 2019 under Section 10 and 151 CPC, 1908, to stay all further proceedings in MCOP.No.1607 of 2017 till the final adjudication of the declaration suit in O.S.No.141 of 2021, which was returned by the learned Principal District Judge, Thanjavur. Aggrieved by that order, the revision petitioner has filed this Civil Revision Petition.

3.Considering the nature of relief to be granted, issuance of notice to the respondents is dispensed with.

4.A perusal of records show that both the MCOPs were filed before the same Court based on a same accident for the death of one Senthilnathan. Therefore, the learned Principal District Judge, Thanjavur, is directed to club both the MCOPs and to decide all the issues raised by both the parties.

5.With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// 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 Principal District Judge,
Thanjavur.

C.R.P (MD) .No.360 of 2022
28.02.2022

MGJ(25.03.2022) 2P 2C