



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.ANANTHI
C.R.P (MD) Nos.1455 to 1457 of 2021 &
CMP (MD) No.8130 of 2021

WEB COPY

- 1.Uma
- 2.Ananthi
- 3.Sivamuthu

... Petitioners in all the petitions

Vs.

Ramanujammal (Died)

- 1.Muthumari

2.Special Tahsildar (Land Acquisition),
(Neighbourhood Housing Scheme now),
Revenue Divisional Officer,
Sivakasi.

- 3.Executive Engineer,
Tamil Nadu Housing Board,
Ellis Nagar, Madurai

... Respondents in all the petitions

Common Prayer: Civil Revision Petitions filed under Section 115 of the Code of Civil Procedure to set aside the fair and decreetal orders dated 02.04.2019 in EA.Nos.392, 393 and 394/2017 in EP.No.113/2004 in LAOP.No.65/1988 on the file of the Sub Court, Sivakasi.

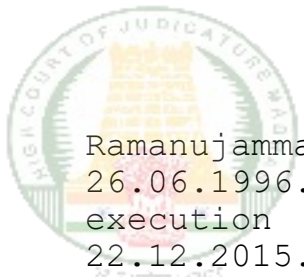
In all the petitions,

For Petitioners	:	Mr.G.Venugopal
in all the petitions		
For Respondents	:	Mr.A.Balaji for R1
in all the petitions		Mr.S.Kameswaran,
		Government Advocate for R2
		Mr.Mahaboob Athiff for R3

COMMON ORDER

The Petitioners have filed these civil revisions petitions to set aside the orders dated 02.04.2019 in EA.Nos.392, 393 and 394/2017 in EP.No.113/2004 in LAOP.No.65/1988 on the file of the Sub Court, Sivakasi.

2. Originally, LAOP.No.65/1988 was filed by the deceased



Ramanujammal for enhancement of compensation. Award was passed on 26.06.1996. The deceased Ramanujammal filed EP.No.113/2004 for execution of decree. Subsequent to that, Ramanujammal died on 22.12.2015. Thereafter, EA.No.392/2017 was filed by the first respondent to condone the delay of 459 days in filing a petition to implead the legal heirs of the deceased Ramanujammal. EA.No.393/2017 was filed by the first respondent to set aside the abatement caused in filing a petition to implead the legal heirs of the deceased Ramanujammal. EA.No.394/2017 was filed by the first respondent to implead herself and the petitioners herein as the legal heirs of the deceased Ramanujammal in EP.No.113/2004. The learned Subordinate Judge, Sivakasi has allowed the above petitions on costs. Challenging the same, the petitioners have come up with the present revision petitions.

3. Heard the learned counsel on both sides and perused the materials available on record.

4. Admittedly, the petitioners and the first respondent are the legal heirs of the deceased Ramanujammal. According to the petitioners, the first respondent has executed a compromise memo and relinquished off her right for the property, including the compensation granted in LAOP.No.65/1988. A perusal of the compromise memo shows that there is no recital of relinquishing the award granted in LAOP.No.65/1988. To decide the right and share of the legal heirs of the deceased Ramanujammal, the first respondent is a necessary party. Hence, the learned Subordinate Judge, Sivakasi has rightly allowed the petitions filed by the first respondent in EA.Nos.392, 393 & 394/2017. This Court finds no valid reason to interfere with the orders passed by the learned Subordinate Judge, Sivakasi.

5. Accordingly, these civil revision petitions are dismissed by confirming the orders dated 02.04.2019 in EA.Nos.392, 393 & 394/2017 in EP.No.113/2004 in LAOP.No.65/1988 on the file of the Subordinate Court, Sivakasi. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Subordinate Court,
Sivakasi.

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+1 CC to M/s.SPL GP (SR-6822[F], 6824, 6823 dated 17/02/2022)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-6662[F] dated 17/02/2022)

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AM(CO)

KB(15.03.2022) 3P 4C