



CRP(MD)No.2452 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2022

CORAM

THE HON'BLE Mr. JUSTICE B.PUGALENDHI

C.R.P(MD)No.2452 of 2022
and C.M.P(MD)No.11994 of 2022

Chellammal (Died)

Parameswaran Pillai
Rep. By his Power of Attorney Holder
P.Sivathanupillai (died)

Parvathy (died)

Sivalakshmi

.... Petitioner/Petitioner/Plaintiff

Vs.

1.The Commissioner,
HR & CE (Admn), Department,
Madras

2.The Executive Officer,
Arulmighu Balasubramonia Swamy Kovil,
Padmanabhapuram ... Respondents/Respondents/Defendants

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India to number the unnumbered I.A.S.R.No.647 of 2022 in O.S.No.118 of 1990 on the file of the Subordinate Judge, Padmanabhapuram, dated



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For Petitioner : Mr.C.Sankar Prakash

ORDER

This revision petition is filed by one Sivalakshmi w/o Kolappa Pillai claiming to be the legal heir of the daughter of the second plaintiff by name Parameswaran Pillai. One Chellammal and Parameshwaran Pillai have filed the above suit in O.S.No.118 of 1990 before the Subordinate Court, Padmanabhapuram.

2. The suit was dismissed by the trial court by its judgment and decree and the appeals preferred by the plaintiff in A.S.No.138 of 1996 and the Second Appeal in S.A(MD)No.1251 of 2003 before this Court were also dismissed. However, this Court while dismissing the Second Appeal has found that the District Munsif Court, Padmanabhapuram lacks jurisdiction to entertain the suit and set aside the judgment and decree made in O.S.NO. 304 of 1996 and A.S.No.138 of 1996 and remitted back the matter to the Subordinate Court, Padmanabhapuram with a direction to complete the trial on or before 30.09.2022.



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3. It is now reported that both the plaintiff, Chellammal and Parameshwaran Pillai are no more and the suit is contested through the petitioner, by name Sivalakshmi who is claiming to be the legal heir of Parameswaran. She filed the above Interlocutory Application in I.A.No. S.R.NO.647 of 2022 in O.S.No.118 of 1990 for referring the matter to mediation. Considering the order passed by this Court in S.A(MD)No.1251 of 2003 dated 24.01.2022, the court refused to entertain the Interlocutory Application filed by this petitioner for mediation. Aggrieved over the same the present revision petition is filed.

4. Though this Court is not inclined to entertain the revision petition, it is represented before this Court that the petitioner filed the above Interlocutory Application only on the suggestion made by the respondents/defendants. Considering the said representation of the petitioner, this Court was inclined to order notice and also permitted the petitioner to serve notice on the respondents by order dated 06.12.2022.



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5. The learned counsel for the petitioner submits that notice has not been served on the respondent. The fact remains that this Court has already issued with a direction to complete the trial on or before 30.09.2022 and we are in December 2022. However, this revision petitioner has been entertained on the representation made by the learned counsel for the petitioner that he has filed the above petition for mediation only at the instance of the respondent. Therefore, this Court dismisses this Civil Revision Petition with a cost of Rs.5000/- (Rupees five thousand only), which has to be paid to MBHAA the Association in which the petitioner's counsel is affiliated. The trial court is also directed to conclude the trial on or before 10.01.2023. No costs. Consequently, connected miscellaneous petition is closed.

13.12.2022

Index : Yes/No
Internet : Yes/No
CM

Note: Issue order copy on 26.12.2022

To,
The Subordinate Judge, Padmanabhapuram



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B.PUGALENDHI, J.

CM

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