

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.848 of 2023

S.Palanichamy (Died)

Dhanalakshmi

... Proposed Petitioner/LR of 1st Respondent/
Petitioner/Claimants

(Cause title is accepted vide Court order dated 03.03.2023 made in
CMP(MD)No.2677 of 2023 in CRP(MD)SRNo.13146 of 2023 by RVJ)

Vs.

1) Balaji

... 1st Respondent/Petitioner

2) Revenue Divisional Officer,
Sankarankoil,
Tenkasi District.

... 2nd Respondent/2nd Respondent

PRAYER:- This Civil Revision Petition has been filed under Section 115 of CPC, to direct the Sub Court, Sankarankoil to consider and dispose of E.A.No. 236 of 2020 in E.A.No.232 of 2020 in E.P.No.59 of 2017 in LAOP.No.1 of 2010 and pass orders on merits in accordance with law within a period to be stipulated by this Court.

For petitioner : Mr.S.Venkatesh
for A.Sivaji

ORDER

This petition has been filed to direct the Sub Court, Sankarankoil, to consider and dispose of E.A.No.236 of 2020 in E.A.No.232 of 2020 in E.P.No. 59 of 2017 in LAOP.No.1 of 2010 within a time stipulated by this Court.

2.The husband of the petitioner and the others are claimants in LAOP.No.1 of 2010, who are also the land owners. Their lands were acquired by the Land Acquisition Officer. Aggrieved against the compensation awarded, they filed the above said LAOP before the Sub Court, Sankarankoil, which was affirmed by the Division Bench of this Court, by its order dated 25.09.2015, in A.S.(MD)No.146 of 2014.

3.The petitioner was the tenth claimant in the aforesaid proceedings. Pursuant to the aforesaid award, the petitioner along with the other land owners, filed EP.No.59 of 2017 before the Sub Court, Sankarankovil. In the said proceedings, the amount came be disbursed based on the award passed by the Court dated 26.04.2013. The first respondent herein filed an application in E.A.No.236 of 2020 under Order 21 Rule 59 of CPC.

4.The learned counsel for the petitioner submitted that on account of the above E.A.No.236 of 2020, no orders have been passed in E.P. As a result, the petitioner is unable to get the compensation that was awarded as earlier on 26.04.2013.

5.Considering the fact that E.A itself filed in the year 2020, there shall be a direction to the Sub Court, Sankarankovil, to dispose the E.A.No.236 of 2020 in E.A.No.232 of 2020 in E.P.No.59 of 2017 in LAOP.No.1 of 2010 preferably within a period of 3 months from the date of receipt of a copy of this order. The EP Court shall record the memo regarding the death of the 10th claimant/S.Palanichamy based on records.

6.The civil revision petition stands disposed of with the above observations. No costs.

29.03.2023

NCC : Yes/No
Index : Yes/No
Internet:Yes/No
dss

C.R.P(MD).No.848 of 2023

C.SARAVANAN,J.

dss

To

The Sub Court, Sankarankoil.

C.R.P(MD).No.848 of 2023

29.03.2023