



*C.R.P.(MD)No.3209 of 2023*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 08.12.2023

CORAM:

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

**C.R.P.(MD)No.3209 of 2023**  
**and**  
**C.M.P.(MD)No.16546 of 2023**

T.Maheswaran

... Petitioner

Vs.

1. N.Raja (died)

2. Manimekala

3. Sushma

(represented by her mother/natural guardian  
2<sup>nd</sup> respondent)

... Respondents

**Prayer :** This Civil Revision Petition filed under Article 227 of the Constitution of India, to allow this Revision Petition and set aside the order passed in E.A.No.7 of 2022 in E.P.No.18 of 2021 on the file of the Subordinate Judge, Eraniel dated 20.01.2023 in so far as appointing an advocate as court guardian for minor R3 and fixing his fees at Rs.10,000/- to be paid by the petitioner.

For Petitioner : M/s.D.Ajitha Thrase



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**ORDER**

The Civil Revision Petition is directed against the order passed in E.A.No.7 of 2022 in E.P.No.18 of 2021 in O.S.No.37 of 2019 dated 20.01.2023, on the file of the Subordinate Court, Eraniel.

2. The revision petitioner has filed the suit in O.S.No.37 of 2019 for recovery of money and obtained a decree dated 02.07.2020 and that since the decree was not complied, the revision petitioner has laid the execution petition in E.P.No.18 of 2021 for attachment and sale of the property belonging to the first respondent/judgment debtor.

3. The learned counsel appearing for the revision petitioner would submit that since the first respondent/judgment debtor died, his legal representatives second respondent-wife and third respondent-minor daughter were sought to be impleaded, that they have filed the above application in E.A.No.7 of 2022 to appoint the second respondent as guardian for the minor third respondent and that the Executing Court has appointed an advocate as Court guardian and fixed remuneration at Rs.10,000/-.



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4. It is seen from the records that the second respondent-wife of the judgment debtor remained *ex parte* and the Court, in the absence of any proposed parties suggested by the revision petitioner/deGREE holder, has appointed an advocate as Court guardian. If the revision petitioner is aggrieved by the quantum of remuneration, they are at liberty to approach the concerned Court for reducing the amount and that is not a ground for challenging the impugned order itself.

5. Considering the facts and circumstances of the case, the impugned order appointing an advocate as Court guardian for the minor since the proposed guardian remained *ex parte*, cannot be found fault with. Consequently, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.

6. In the result, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

**08.12.2023**

NCC :yes/No  
Index :yes/No  
Internet:yes/No  
csm



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**K.MURALI SHANKAR,J.**

csn

**To**

1. The Subordinate Court,  
Eraniel.
- 2.The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.

**Order made in**  
**C.R.P.(MD)No.3209 of 2023**  
**and**  
**C.M.P.(MD)No.16546 of 2023**

**Dated : 08.12.2023**