



C.R.P(MD).No.1039 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.1039 of 2023

1.Sundaramoorthy

2.Sivasubramani ... Petitioners/Petitioners/Petitioners

Vs.

NIL ... Respondent

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the docket order dated 24.02.2023 passed Unnumbered I.A. No.... of 2023 in G.W.O.P.No.11 of 2017 on the file of learned Principal District Court, Karur.

For petitioners : Mr.M.P.Senthil

ORDER

This Civil Revision Petition has been filed by the petitioners to set aside the docket order passed by the Learned Principal District Court, Karur, in Unnumbered I.A. No.... of 2023 in G.W.O.P.No.11 of 2017 dated 24.02.2023.



2.The petitioners being minor at their behest earlier the petitioners' father P.Muthusamy had filed G.W.O.P.No.11 of 2017 before the Principal District Court, Karur. An order came to be passed on 24.10.2017 which was the subject matter of CMA(MD)No.1238 of 2017 filed by the said P.Muthusamy before this Court. The Principal District Court, Karur, had earlier dismissed G.W.O.P.No.11 of 2017 with the following observations:-

“3.The learned Principal District Judge, Karur, dismissed the said application after hearing in his order dated 24.10.2017 stating that much extent of land has been settled in favour of minor sons under Ex.P3, Settlement Deed and the petitioner could raise income engaging in agricultural to meet meager amount of Rs.1000/- per month towards the educational expenses of the minors and if the lease is created, it will bind the minors for a long time and it requirements of the petitioner does not seems to be a bona fide one. Aggrieved by the order of dismissal, the petitioner has preferred the present Civil Miscellaneous Appeal before this court, to set aside the impugned order.”

3.CMA(MD)No.1238 of 2017 was disposed of by this Court, by its order dated 23.01.2018, with the following observations:-

8.Considering the above facts and circumstances of the case and also the proposed lease agreement and the undertaking affidavit filed by the petitioner before this Court, this Court is inclined to set aside the impugned order passed by the learned Principal District Judge, Karur.

9. In the result, this Civil Miscellaneous Appeal is allowed and the impugned order, dated 24.10.2017 passed in G.W.O.P.No.11 of 2017, by the learned Principal District Judge, Karur, is set aside. This Court grants permission to



the petitioner for the proposed lease with one Katturaja S/o. Mookkan, residing at Muthampati, Pothuravathanpatti Post, Krishnarayapuram Taluk, Karur District (Aadhar No. 9578 0190 8683] on the following conditions:-

i. A sum of Rs.5,00,000/- (Rupees Five Lakh Only) should be deposited by the lessee to the credit of G.W.O.P.No.11 of 2017, on the file of the Principal District Court, Karur; within a period of 10 days from the date of receipt of a copy of this order.

ii. Upon such deposit, copy of the registered lease deed attested by the petitioner and the lessee should be filed into the said Court within the above stipulated period.

iii. The trial Court should invest the amount of Rs.5,00,000/- and its interest in a Nationalized Bank for the benefit of the minor sons for a period of two years at the first instance and thereafter renewed for every one year, until further orders from this Court.

iv. After attainment of majority of the minors, the ratification of release deed should be obtained from the sons, who attained the majority and the copy of the ratification deed or fresh lease deed should be filed before the said trial Court and

v. If the appellant / petitioner fails to comply the conditions (i) and (ii) within the stipulated time, the aforesaid permission would be deemed to be revoked.”

4.Since the petitioners had attained majority, they approached this Court in CMP(MD)No.7964 of 2017 in CMA(MD)No.1238 of 2017. An order came to be passed by this Court, on 19.09.2022. The relevant portion of the order reads as under:-

“3. It is seen that his Court has passed a direction to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) before the trial Court. In view of the same, the minors are permitted to approach the trial Court to file



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suitable petitions to declare them as majors and for permission to withdraw the amount. On the such petitions being made, the trial court is directed to pass suitable orders on merits and in accordance with law.”

5.Pursuant to the aforesaid order, the petitioners have filed an application for declaring themselves as major and withdrawing the award amount passed by the Court. The learned Principal District Judge, Karur, has allowed the application for declaring the petitioners as major. But, however returned the application with the following endorsement:-

“The deposit was made by the lese as per the direction of this Hon'ble Court.

The Hon'ble High Court in its order class (iii) directed this Court that the said sum of Rs.5,00,000/- should be invested in a nationallized bank for the benefit of the minors for a permit of two years at the first instance and thereafter renewed for every one year, until further orders from this Hon'ble High Court.

Thereafter without the order of the Hon'ble High Court how the petitioner enable file the cheque petition.

Hence returned.”

6.Order of this Court dated 19.09.2022 which has been extracted above clearly states that there was no direction to the Principal District Court, Karur, to number the application filed by the petitioners.



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7.Considering the same, there shall be a direction to the Principal District Court, Karur, to number the unnumbered I.A.No..... of 2023 in GWOP.No.11 of 2017 and dispose the same on merits in accordance with law within a period of 3 months from the date of receipt of a copy of this order.

8.With the above direction, this Civil Revision Petition is disposed of.

No costs.

19.04.2023

NCC : Yes/No
Index : Yes/No
Internet:Yes/No
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Note : The Registry is directed to return the original copy of the unnumbered I.A. No.... of 2023.

To

- 1.The Principal District Court,
Karur.
- 2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

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