



C.R.P(MD)No.1241 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.05.2023

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.R.P(MD)No.1241 of 2023

and

C.M.P(MD)No.6057 of 2023

Sami Arul Educational Trust,
represented by its Managing Trustee,
Sathyanaranan Yadhav,
No.199/1, Pillaiyarpatti Village,
Thankavur Taluk,
Thanjavur District.

... Petitioner

Vs.

S.Peter

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the Principal Subordinate Judge, Thanjavur to number and take the petition in E.A.SR.No.4936 of 2023 in E.P.No.50 of 2015 in O.S.No.290 of 2010 on its file and to dispose it of on merits in accordance with law and allow the present Civil Revision Petition.

For Petitioner : Mr.V.Balaji



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ORDER

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The present revision petition has been filed to direct the Principal Subordinate Judge, Thanjavur to number and take the petition in E.A.SR.No.4936 of 2023 in E.P.No.50 of 2015 in O.S.No.290 of 2010 on its file and to dispose it of on merits in accordance with law.

2. The contention of the petitioner is that in E.P.No.50 of 2015 delivery has been ordered and Amin warrant has also been issued. But the respondent has not acted as a trustee of Sami Arul Educational Trust. The respondent was appointed as Trustee and he has managed the properties as Trustee. But now the respondent herein is claiming right over the suit property as “individual”.

3. The further contention of the petitioner is that the suit was filed by the respondent herein and the same was dismissed. But the first appeal and the second appeal ended in favour of the respondent. However, in Civil Appeal No.6595 of 2016, the Hon'ble Supreme Court, set aside the judgment rendered in the first appeal and second appeal and the case was remitted back to the High Court for fresh consideration. However, the



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Principal Sub Court, Thanjavur, is relying on the disposed status shown by the computer extract wherein it is stated that the second appeal was disposed on 16.04.2015. The Principal Sub Court, Thanjavur, has not taken into account the order, dated 20.07.2016, passed in Civil Appeal No.6595 of 2016 by the Hon'ble Supreme Court.

4. Therefore, this Court is directing the Principal Sub Court, Thanjavur, to number the E.A. The delivery of possession order passed in E.A.No.50 of 2015, dated 18.04.2023, is stayed until the disposal of the second appeal pending before this Court. Registry is directed to return the originals.

5. With the said observations, this Civil Revision Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

11.05.2023

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

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Note: Issue order copy on **12.05.2023**.



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To

- 1.The Principal Subordinate Court,
Thanjavur.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY ,J.

Tmg

Order made in
C.R.P(MD)No.1241 of 2023

11.05.2023