



WEB COPY



C.R.P(MD).No. 290 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

CRP(MD).No. 290 of 2024 and
CMP(MD).No.1335 of 2024

M.Kumaran

Petitioner

Vs.

1.Balasubramanian

2.The Tahsildar,

Tirunelveli.

3.The District Collector,

Tirunelveli District.

(respondents 2 and 3 are suo-motu impleaded as per the
order of this Court, dated 09.02.2024)

Respondents

PRAYER : Petition filed under Article 227 of the Constitution of India against the fair and decreetal order, dated 13.12.2023 made in I.A.No.3 of 2023 in O.S.No.448 of 2019 on the file of the Principal District Munsif Court, Thirunelveli.

For Petitioner : Mr.P.M.Vishnu Varthanan

For 1st respondent : Mr. H. Arumugam

For respondents 2 and 3 : Mr.A.Sivanu Pandian

ORDER

This Civil Revision Petition is filed against the fair and decreetal order, dated 13.12.2023 made in I.A.No.3 of 2023 in O.S.No.



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448 of 2019 on the file of the Principal District Munsif Court,
Thirunelveli.

2. The suit in O.S.No.448 of 2019 on the file of the Principal District Munsif Court, Thirunelveli was filed by the first respondent / plaintiff seeking the relief of declaration that the plaintiff and the defendant Nos. 1, 2 and 4 are the legal heirs of the deceased A.S.Murugan and for consequential mandatory injunction directing the 5th defendant to issue a legal heir certificate. This Civil Revision Petition is filed by the 4th defendant on the ground that I.A.No.3 of 2023 which was filed by him seeking the relief of rejection of the plaint was dismissed by the trial Court.

3. The above said application was filed by the revision petitioner herein by solely taking the plea that Section 80 of CPC is not complied. That came to be dismissed by the trial Court by observing that I.A.No.2 of 2019 was filed along with plaint only after dispensing the notice to the Government, it was taken on file. The very same ground also made in the petition also.



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4. The report was called for from the trial Court. The report reveals that I.A.No.2 of 2019 was filed by the plaintiff along with the plaint seeking to treat the suit as emergent one and number the same dispensing the notice to the Government. That was allowed by the trial Court on 21.10.2019. So the ground on which the main petition as well as the revision now filed by the revision petitioner are completely out of place and does not lie at all. Except the said ground no other ground is made by the revision petitioner. Hence, this revision fails and the same is liable to be dismissed.

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

06.03.2024

trp
Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

To

1. The Principal District Munsif Court, Thirunelveli.
2. The Tahsildar, Tirunelveli.
3. The District Collector, Tirunelveli District.



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G.ILANGO VAN,J.

Trp

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