



C.R.P.(MD)No.1054 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.1054 of 2024

M.Pushpammal

... Petitioner

Vs

1.P.Maheshwari

2.Minor P.Yashwanth,
represented through his natural guardian K.Palani.

3.The Inspector of Police,
Town police Station,
Rameshwaram.

... Respondents

[3rd respondent is Suo-Motu impleaded as per the Order of this Court dated 24.09.2024.]

PRAYER : Civil Revision Petition is filed under Article 115 of Civil Procedure Code, against the fair and decreetal order passed in I.A.No.275 of 2017 in O.S. No.51 of 2015 dated 14.11.2018 on the file of the District Munsif Court cum Judicial Magistrate Court, Rameshwaram.



C.R.P.(MD)No.1054 of 2024

For Petitioner : M/s.R. Venkatesh
For Respondents : Mr.M.Ponniah, for R-1 & R-2
Mr.K.Gnanasekaran,
Government Advocate (crl. side)

ORDER

This Civil Revision Petition is filed by the defendant in the suit against the Fair and Decreetal order dated 14.11.2018 passed in I.A.No.275 of 2017 in O.S. No.51 of 2015, on the file of the District Munsif Court cum Judicial Magistrate Court, Rameshwaram.

2. The defendant in the suit is the revision petitioner herein and the plaintiffs 1 & 2 in the suit are the respondents herein. For the sake of convenience, the parties shall be referred to as plaintiffs and defendant as per the ranking in the suit.

3. The plaintiffs had filed a suit in O.S No.51 of 2015 challenging the unilateral cancellation of the settlement deed dated 31.12.2012. The 1st plaintiff



C.R.P.(MD)No.1054 of 2024

WEB COPY

and defendant are daughter and mother respectively. The 2nd plaintiff is the son of the 1st plaintiff and grandson of the defendant. The suit was decreed on 10.06.2016. The defendant has remained exparte. Therefore, the defendant has filed a I.A.No.275 of 2017 in O.S.No.51 of 2015 to condone the delay of 189 days in filing the petition to set aside the exparte decree and the same was dismissed. Against the same, the defendant has filed this Civil Revision Petition.

4. The present Civil Revision was filed on 05.07.2021 and the same was numbered in the year 2024. The Learned Counsel appearing for the plaintiffs submitted that during the pendency of this revision petition the defendant went missing and HCP was filed before this Court in H.C.P.(MD) No.990 of 2024 and also First Information Report was registered in Crime No.185 of 2024. Therefore, at this stage the present revision petition cannot be maintained. Further the Learned Counsel appearing for the defendant has no authority to contest the case at this stage.



C.R.P.(MD)No.1054 of 2024

WEB COPY

5. Though, it is submitted by the Learned Counsel appearing for the defendant, that the defendant's son had authorized to contest the case, it is seen that the said son is not the party in any of the cases. Therefore this Court is of the considered opinion that the son cannot be authorized to contest the case.

6. Accordingly, this Civil Revision Petition stands dismissed. However, liberty is granted to the defendant/revision petitioner to contest the case, if so advised.

28.10.2024

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

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C.R.P.(MD)No.1054 of 2024

To

1. The District Munsif Court cum Judicial Magistrate Court,
Rameshwaram.
2. The Inspector of Police
Town police Station
Rameshwaram
3. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.1054 of 2024

S.SRIMATHY, J.

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C.R.P.(MD)No.1054 of 2024

28.10.2024