



C.R.P(MD)No.1901 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.1901 of 2024
and
C.M.P(MD)No.10770 of 2024

S.P.Mani (Died)

Balasubramanian

... Petitioner /
Proposed 2nd Respondent /
3rd Party / 3rd Party

Vs.

Ramesh Sivakumar
Represented through his
power agent Muthulakshmi

... Respondent / Petitioner /
Appellant / Plaintiff

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.3 of 2023 in A.S.No.142 of 2020 in O.S.No.101 of 2013 on the file of the Subordinate Court, Nanguneri, Tirunelveli District dated 02.01.2024 by allowing this Civil Revision Petition.



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For Petitioner : Mr.S.Senthil Kumar

For Respondent : Mr.K.K.Samy

ORDER

The respondent herein filed O.S.No.101 of 2013 on the file of the Principal District Munsif Court, Nanguneri for permanent injunction. The suit was dismissed on 20.09.2018. Aggrieved by the same, the plaintiff filed A.S.No.142 of 2020 before the Sub Court, Nanguneri. During the pendency of the appeal, S.P.Mani passed away. Thereafter, the plaintiff / appellant filed I.A.No.3 of 2023 for bringing the son of Thiru.S.P.Mani on record as the respondent in the appeal. The Interlocutory Application was allowed on 02.01.2024. Questioning the same, the impleaded respondent has filed this Civil Revision Petition.

2.Heard the learned counsel on either side.

3.The case on hand pertains to turn management of a trust. During the relevant time, the tussle was between the plaintiff, Ramesh, Sivakumar and S.P.Mani. It is a suit for permanent injunction. S.P.Mani



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is no more; his son Balasubramanian categorically states that he has no interest in the subject matter. The question of impleading him does not arise at all. In fact, the entire proceedings stand abated. If the plaintiff / appellant still has any cause of action against any individual, it is for him to file a fresh suit against that individual. The impugned order is set aside.

4.This Civil Revision Petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.09.2024

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

To

1.The Subordinate Court,
Nanguneri,
Tirunelveli District.

2.The Principal District Munsif Court,
Nanguneri.

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G.R.SWAMINATHAN, J.

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