



C.R.P(MD)No.1642 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM

**THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.1642 of 2022
and
C.M.P(MD)No.7174 of 2022

P.Tamilselvi

... Petitioner

Vs.

1.C.Kalaiarasi

2.The Manager,
HDFC LIFE,
124/A, 1st Floor,
AMF Building,
Trivandrum Road,
Palayamkottai,
Tirunelveli District-627 002.

3.The District Treasury Officer,
Collector Office Complex,
Tuticorin-628 002.

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the suit in O.S.No.72 of 2022 pending on the file of the Principal District Munsif Court, Thoothukudi.

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For Petitioner : Mr.S.Ramesh
For R-1 & R-2 : No appearance
For R-3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

This Civil Revision Petition is preferred to striking off the suit in O.S.No.72 of 2022 on the file of the Principal District Munsif Court, Thoothukudi.

2. According to the revision petitioner, the above suit in O.S.No.72 of 2022 was filed by the first respondent / plaintiff for bare injunction restraining the second defendant / Insurance Company from processing the policy claim of revision petitioner's deceased husband, Murugesan and not to disburse the same to the revision petitioner and also for an injunction restraining the revision petitioner from alienating the house property at K.T.C Nagar East, Thoothukudi and also prayed for an injunction against the third defendant, District Treasury Officer,



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Thoothukudi from disbursing the service benefits and other benefits to the revision petitioner.

3. The learned Counsel appearing for the revision petitioner would submit that under Section 4 of the Pensions' Act, 1871, no civil suit can be instituted. The same is extracted as under:

"4. Bar of suits relating to pensions.-Except as hereinafter provided no Civil Court shall entertain any suit relating to any pension or grant of money or land-revenue conferred or made by the [Government or by] any former Government, whatever may have been the consideration for any such pension or grant and whatever may have been the nature of the payment, claim or right for which such pension or grant may have been substituted."

4. Since there is a specific bar for filing a civil suit, the petitioner ought to have exhausted the remedy under Order VII, Rule 11 of the Civil Procedure Code, 1908, instead of filing an application to strike off the suit.



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5. Accordingly, the present Civil Revision Petition stands dismissed with liberty to the revision petitioner to file an appropriate application before the civil Court. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

06.12.2024

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

To

- 1.The Principal District Munsif Court,
Thoothukudi.
- 2.The Manager,
HDFC LIFE,
124/A, 1st Floor,
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Trivandrum Road,
Palayamkottai,
Tirunelveli District-627 002.
- 3.The District Treasury Officer,
Collector Office Complex,
Tuticorin-628 002.

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K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
C.R.P(MD)No.1642 of 2022

06.12.2024