



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)(PD)No.65 of 2020

and

C.M.P.(MD)No.326 of 2020

- 1.Panneerselvam
- 2.Jeyabal
- 3.Durairaj
- 4.Malargozhunthu
- 5.Lakshmanan

... Petitioners

-VS.-

- 1.Thirunthaiayan (Died)
- 2.The District Collector,
Thanjavur, having office at Thanjavur.
- 3.Mayavur Mutharaiyar
- 4.The Manager,
Indian Bank, Uranipuram,
Uranipuram, Orathanadu Taluk,
Thanjavur District.
- 5.Tamilsevi
- 6.Baskaran
- 7.Senthil



8. Seenivasakam
9. Rajasathiaseelan

...Respondents

(Respondents 5 to 9 were brought on as legal representatives of the deceased first respondent vide order of this Court, dated 22.04.2024 made in C.M.P. (MD)Nos.4309 and 4310 of 2024)

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the impugned order, dated 18.07.2019 made in Pauper Original Petition No.100 of 2017 on the file of the learned Principal District Court, Thanjavur.

For Petitioners :Mr.V.S.Kumaraguru
R1 :Died
For R2 :Mr.K.Selvaganesan
For R3, R4 and R9:No Appearance
For R5 to R8 :Batta due

ORDER

The Civil Revision Petition has been filed challenging the order passed by the learned Principal District Judge, Thanjavur, in Pauper Original Petition No.100 of 2017, dated 18.07.2019.

2.The petitioners are the defendants 3 to 7 in P.O.P.No.100 of 2017. The first respondent, as plaintiff, had filed a suit for declaration along with a



Pauper Original Petition seeking permission of the Court to sue an indigent person. The said petition application was allowed by the trial Court. Aggrieved by the same, the defendants 3 to 7 have filed the above Revision Petition.

3. Though notice was served on the respondents and the names are also printed, none appears. During the pendency of this petition, the first respondent/plaintiff, Thirunthaiayan had died.

4. The learned Counsel for the petitioners/defendants 3 to 7 has challenged the prayer in the suit contending that the petitioner/plaintiff has sought for omnibus prayer to set aside the sale deeds without mentioning the sale deeds number and the parties thereon and the relationship between the plaintiff and the defendants. The learned Counsel further contended that such an omnibus prayer cannot be sought and without any details, they cannot make a claim to set aside the sale deeds.



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5.Considering the submissions made by the learned Counsel for the petitioner and taking into consideration the facts and circumstances of the case and the fact that the respondent/plaintiff died during the pendency of this petition, this Court is inclined to allow the Revision Petition. In view of the same, the Civil Revision Petition is allowed and the order passed in P.O.P.No. 100 of 2017, dated 18.07.2019 by the the learned Principal District Court, Thanjavur, is set aside. No costs. Consequently, connected miscellaneous petition is closed.

02.12.2024

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

To

1.The District Collector,
Thanjavur, having office at Thanjavur.

2.The Principal District Judge, Thanjavur.



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N.SENTHILKUMAR, J.

cmr

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