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W.A.(MD)NO.1960 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.1960 of 2025 AND

C.M.P.(MD)No.11233 of 2025

Lakshmiyammal

... Appellant/4th Respondent

Vs.

1. Jothi

... 1st Respondent / Writ petitioner

2. The Revenue Divisional Officer,
Usilampatti Taluk,
Madurai District.

3. The Tahsildar,
Peraiyur Taluk,
Madurai District.

4. Kumara Thevar (died) ... Respondents 2 to 4/Respondents 1 to 3

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the impugned order in W.P.(MD)No.20062 of 2022 dated 19.11.2024 on the file of this Court and allow the writ appeal.

For Appellant : Mr.A.S.Krishnan
For R-1 : Mr.A.Joseph Jerry
For R-2&R-3 : Mr.A.Kannan,
Additional Government Pleader.

* * *

**J U D G M E N T**

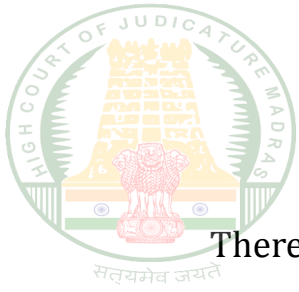
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(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. Kumar Thevar, husband of the appellant settled the petition-mentioned property in favour of Jothi born through the second wife and Eswari who is the daughter of Jothi. Later at the instance of Kumar Thevar, the Maintenance Tribunal cancelled the settlement deed. Challenging the cancellation order of the Maintenance Tribunal, Eswari and Jothi filed W.P.(MD)8831 of 2022. The learned single Judge vide order dated 19.11.2024 allowed the writ petition and quashed the order impugned therein. Aggrieved by the same, Lakshmiammal filed this writ appeal.

3. Lakshmiammal did not enter appearance before the learned single Judge. During the pendency of the writ proceedings, Kumar Thevar passed away. It is true that Lakshmiammal is the wife of Kumar Thevar. But then, through Lakshmiammal as many as six children were born. Therefore, the writ petitioners ought to have impleaded all the legal heirs of Kumar Thevar. They did not do so.



Therefore, on this sole ground, the order passed by the learned single Judge is set aside. The matter is remitted to the file of the learned single Judge holding the roster. This writ appeal is allowed accordingly. We make it clear that we have not gone into the merits of the matter. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
18th July 2025

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

To:

1. The Revenue Divisional Officer,
Usilampatti Taluk,
Madurai District.
2. The Tahsildar,
Peraiyur Taluk,
Madurai District.



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