



W.A.(MD)No.1693 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.02.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A.(MD)No.1693 of 2021
and
C.M.P.(MD)No.7249 of 2021**

Muthumaruthu

... Appellant

Vs.

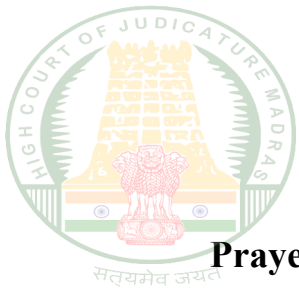
1.Arumuga Chandra Sekaran

2.The Sub Collector,
Paramakudi,
Ramanathapuram District.

3.The Joint Registrar of Co-Operative Society,
Ramanathapuram District,
3A, Palace South Street,
Ramanathapuram District.

4.The Secretary,
Q1224, Melakidaram Primary Agricultural
Co-Operative Society,
Melakidaram Post,
Kadaladi Taluk,
Ramanathapuram District.

... Respondents



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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order dated 14.07.2021 passed in W.P.(MD).No.4955 of 2017 on the file of this Court.

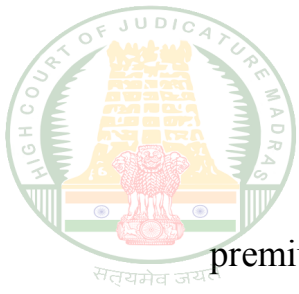
For Appellant : Mr.S.Siva Thilakar

For Respondents : Mr.K.C.Ramalingam for R1.
Mr.K.Balasubramani,
Spl. Government Pleader for R2 & R3.
No appearance for R4.

JUDGMENT

Heard the learned counsel on either side.

2.The case on hand pertains to disbursement of crop insurance amount. Arumuga Chandra Sekaran is the son born through the first wife of Ooyavandhan Thevar. Muthumaruthu is the daughter born through the second wife. Since the crop had failed for the season 2016 – 2017, Arumuga Chandra Sekaran filed W.P.(MD)No.4955 of 2017 for disbursement of the insurance amount. The insurance amount was not disbursed citing the objection raised by Muthumaruthu. The learned Single Judge vide order dated 14.07.2021 allowed the writ petition on the ground that it was Arumuga Chandra Sekaran who had remitted the



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premium. Aggrieved by the same, Muthumaruthu has filed this writ appeal.

3.The learned counsel for the appellant would point out that Muthumaruthu had already filed O.S.No.13 of 2016 on the file of the Additional District Court, Paramakudi seeking the relief of partition and separate possession of her share in the suit property and that therefore, the learned Single Judge ought not to have directed disbursement of the entire insurance amount in favour of the writ petitioner.

4.We are not inclined to consider this contention in this writ appeal. This is for more than one reason. The order passed by the learned Single Judge had already been enforced and the insurance amount had already been disbursed. Secondly, Arumuga Chandra Sekaran is also no more. Therefore, we would dispose of this writ appeal by permitting the appellant to work out her rights in A.S.(MD)No.93 of 2021 pending before this Court. This appeal was filed by Arumuga Chandra Sekaran questioning the preliminary decree passed in favour of the appellant in O.S.No.13 of 2016. This in our view would protect the



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rights of the appellant adequately. The first appellate Court will go into the issue of the appellant's entitlement in respect of the subject crop insurance amount in the pending appeal.

5.This writ appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S. J.) & (M.J.R. J.)
14.02.2025**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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Ramanathapuram District.

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