

Ponmuthu and Another Vs. Naganothi and Others

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Court : Chennai Madurai

Decided On : Nov-01-2016

Judge : D. Krishnakumar

Appeal No. : C.R.P(PD)(MD)No. 2182 of 2016 & C.M.P(MD)No. 10144 of 2016

Appellant : Ponmuthu and Another

Respondent : Naganothi and Others

Judgement :

(Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying this Court to call for the records from the lower Court, hear the counsel for the revision petitioner and set aside the decree and judgement of the lower Court in I.A.No.1161 of 2013 in M.C.O.P.No.545 of 2011, dated 30.3.2016 on the file of the VI Additional District Judge, Madurai and to allow and implead the proposed parties as respondent Nos.2 and 3 in the main claim petition.)

1. This revision has been filed seeking to call for the records from the lower Court, hear the counsel for the revision petitioners and set aside the decree and judgement of the lower Court in I.A.No.1161 of 2013 in M.C.O.P.No.545 of 2011, dated 30.03.2016 on the file of the VI Additional District Judge, Madurai and to allow and implead the proposed parties as respondent Nos.2 and 3 in the main claim petition.

2. According to the revision Petitioners, the respondents herein have filed I.A.No.1161 of 2013 under Order 1 Rule 10(2) and Section 151 of Civil Procedure Code to implead them as legal heirs of the deceased Manikandan in M.C.O.P.No.545 of 2011 filed by them before VI Additional District Judge, Madurai, claiming compensation of Rs.38 lakhs. The said application was allowed by the Tribunal. Aggrieved by the same, the revision petitioners have come forward with the present Civil Revision Petition.

3. Heard the learned counsel for the revision petitioners and perused the materials on record.

4. According to the Petitioners, the revision petitioners have filed M.C.O.P.No.545 of 2011 before the 6th Additional District Court, Madurai, claiming a compensation of Rs.38 lakhs for the death of Manikandan. When the M.C.O.P is pending, I.A.No.1161 of 2013 filed by the respondents herein/proposed respondents in the above M.C.O.P. In the above I.A., in the affidavit filed in support of the Petition, the petitioners have stated that they are the legal heirs of the aforesaid Manikandan and by order, dated 30.03.2016, the above said application was allowed by the Tribunal with an observation that whether the petitioners are entitled to claim compensation for the death of the deceased Manikandan is to be decided only in the main claim petition and not at this stage. The Tribunal also considered Ex.P1 to Ex.P11 and prima facie satisfied that the Petitioners are necessary parties in the claim petition, further opportunity shall be given to them to prove that they are the wife and son of the deceased Manikandan through oral and documentary evidence in the main O.P. In view of the above said categorical finding rendered by the Tribunal, the contention of the petitioner that they are not necessary parties in the Civil Revision Petition cannot be countenanced and hence, this Court does not want to interfere with the order of the Tribunal impugned herein and hence, the revision is liable to be dismissed.

5. Accordingly, the Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is dismissed. No costs.