

SRI-LA-SRI SIVAPRAKASA PANDARA SANNADHI AVARGAL

A

v.

SMT. T. PARVATHI AMMAL AND ORS.

FEBRUARY 20, 1996

[J.S. VERMA, N.P. SINGH AND B.N. KIRPAL, JJ.]

B

*Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963 :*

*Civil Court's jurisdiction to adjudicate title to the parties—Whether barred by virtue of the provisions of the Act—Held No.*

C

*R. Manickanaicker v. E. Elumalainaicker*, [1995] 4 SCC 156, relied on.

*Vatticherukuru Village Panchayat v. Nori Venkatarama Deeshithulu and Ors.*, [1991] Supp. 2 SCC 228, distinguished.

D

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 5141 of 1993.

From the Judgment and Order dated 16.3.87 of the Madras High Court in S.A. No. 888 of 1979.

E

S. Balakrishnan and S. Prasad for the Appellant.

S. Sivasubramaniam, A.T.M. Sampath and V. Balaji, for the Respondents.

F

The following Order of the Court was delivered :

The only question for decision relates to the jurisdiction of the Civil Court to entertain the suit which was filed by the respondents. The Trial Court decreed the suit. The First appellate Court set aside the decree taking the view that the Civil Court's jurisdiction was barred. In the second appeal filed by the present respondents, the High Court has restored the judgment and decree of the Trial Court taking the view that the Civil Court's jurisdiction was not barred.

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The plea of exclusion of the Civil Court's jurisdiction to adjudicate

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- A the title of the parties in the present case is based on the provisions of the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963. This Court in a recent decision in *R. Manickanaicker v. E. Elumalianaicker*, [1995] 4 SCC 156, has clearly held that the Civil Court's jurisdiction to adjudicate title to the parties, is not barred by virtue of the provisions of the said Act. This is a direct decision of this Court on the provisions of the Act with which we are concerned in the present case.
- B Learned counsel for the appellant placed reliance on the decision in *Vattaicherukuru Village Panchayat v. Nori Venkatarama Deeshithulu and Ors.*, [1991] Supp. 2 SCC 228. It is sufficient to observe that this decision relates to the provisions under a different Act of Andhra Pradesh.
- C Moreover in *R. Manickanaicker*, this decision relating to the provisions in the Andhra Pradesh Act was considered and distinguished. In view of the Direct decision of this Court in *R. Manickanaicker*, there is no merit in this appeal. The appeal and the contempt petition are dismissed. No costs.

G.N.

Appeal and petition dismissed.