

SUPREME COURT OF INDIA

Sri-LA-Sri Sivaprakasa Pandara Sannadhi, Avargal

Vs.

Smt. T.Parvathi Ammal

(J Verma, N Singh and B Kirpal JJ.)

20.02.1996

ORDER

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.

The plea of exclusion off the Civil Court's jurisdiction to adjudicate 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 vs. E. Elumalainaicker, 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, Learned counsel for the appellant placed reliance on the decision in Vatticherukuru village Panchayat vs. 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. 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.