

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2015

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THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)Nos.1636 to 1638 of 2015

E.Krishnaveni

... Petitioners in all CRPs

v.

1.Akila Bai (deceased)
2.R.Munusamy
3.S.Jamuna
4.Natarajan
5.M.Nagesh
6.E.Govindammal (deceased)
7.V.Periyasamy
8.Karunamurthy @ Murthy
9.M.Parthasarathy

... Respondents in all CRPs

Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 8.12.2014 and consequently dismiss the petition made in I.A.Nos.11380, 11381 and 11382 of 2014 in O.S.No.10890 of 1996 passed by the XIth Asst. Judge, City Civil Court at Madras.

For Petitioners : Mr.A.M.Krishnamurthy

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COMMON ORDER

Challenging the fair and final orders passed in I.A.Nos.11380, 11381 and 11382 of 2014 in O.S.No.10890 of 1996 on the file of XIth Assistant Judge, City Civil Court, Chennai, the 5th defendant has filed the above Civil Revision Petitions.

2. The plaintiff filed the suit in O.S.No.10890 of 1996 for declaration, permanent injunction and recovery of possession. During the pendency of the suit, the sole plaintiff had died on 5.7.2013 and thereafter, the legal representatives of the deceased plaintiff filed the applications in I.A.Nos.11380, 11381 and 11382 of 2014 to condone the delay of 144 days in filing the applications to set aside the abatement and to bring on record the legal representatives of the deceased sole plaintiff.

3. In the affidavit filed in support of the applications, the legal representatives of the deceased plaintiff have stated that after obtaining the death certificate and the legal heir certificate they filed the present applications to condone the delay, to set aside the abatement and to bring

on record and therefore, there is a delay of 144 days in filing the applications.

4. The applications were opposed by the defendants stating that the legal representatives have not given acceptable reasons for condoning the delay.

5. The Trial Court, after taking into consideration the case of both the parties, allowed all the applications.

6. The learned counsel appearing for the petitioner-5th defendant strenuously contended that in the absence of any acceptable reasons given by the legal representatives of the deceased plaintiff, the Trial Court should not have condoned the delay.

7. On a perusal of the affidavit filed in support of the applications, I am convinced that the legal representatives have given acceptable reasons for condoning the delay of 144 days in filing the applications to set aside the abatement. In these circumstances, taking into consideration all these aspects, the Trial Court has rightly allowed the applications.

8. In view of the above, I do not find any error or irregularity in the order passed by the Trial Court. The Civil Revision Petitions are devoid of

merits and are liable to be dismissed. Accordingly, the Civil Revision petitions are dismissed. No costs.

12.06.2015

Index : No
Internet : Yes

Rj

To

The XIth Assistant Judge,
City Civil Court,
Chennai.

M. DURAISWAMY,J.,

Rj

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