

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P(PD) No.3374 of 2015

and M.P.No.1 of 2015

1.Jothi
2.Sarathy
3.Balachandar
4.Mohanthai
5.Mugunthan
6.Amul
7.Bindu

.. Petitioners

Vs.

Natesan (Died)

1.Ranganathan
2.Porkilai
Kuppammal (Died)
3.Kaliammal
4.Mani Kounder
5.Murthi
6.Ramesh
Manickam (Died)
Kannan (Died)
7.Parvathi
8.Rathinambal
9.Anjalakshi
10.Vinayakam
11.Chinnaponnammal
12.Malar
13.Minor Gnanavel
14.Minor Sulochana
(13 and 14 represented by their guardian
and next friend Mother Chinnaponnammal)
15.Vasuki
16.Machagandhi

.. Respondents

Civil Revision Petitions filed under Article 227 of the Constitution of India praying to set aside the decree and judgment passed in I.A.No.912 of 2011 in O.S.No.164 of 1995 dated 21.11.2014 on the file of the Additional Sub Court, Tindivanam.

For Petitioners : Mr.M.Devaraj

ORDER

The revision petitioners are legal heirs of the second defendant in O.S.No.164 of 1995 on the file of Additional Subordinate Judge, Tindivanam. The details of the suit is not necessary for disposal of this revision petition. The second defendant died on 28.08.2006. There is a delay of 1356 days to bring the legal heirs of the second defendant, the revision petitioners herein are on record. The trial Court allowed I.A.No.912 of 2011 in O.S.No.164 of 1995 by an order dated 22.11.2014. This revision petition is against the aforesaid order.

2. Heard the learned counsel for the petitioner.

3. The learned counsel appearing for the petitioner vehemently contended that the trial Court ought not to have allowed the I.A.No.912 of 2011 in O.S.No.164 of 1999 in condoning the delay to bring the legal heirs on record of the second defendant in the suit. No sufficient reason was given

by the respondents/plaintiffs. According to him, the same would cause serious prejudice to the revision petitioners. The learned counsel also sought to argue the suit is a previous one.

4. I am not going into the merits of the suit at this stage. In this case, the second defendant died and the revision petitioners being the legal heirs are brought on record. It is not disputed by the learned counsel appearing for the petitioners that the revision petitioners are the legal heirs of the 2nd defendant. Hence, I am of the view that for the adjudication of O.S.No.164 of 1995, the legal heirs of second defendant shall be brought on record. The suit is not yet disposed of. Hence, I am not inclined to interfere with the order passed by the trial Court in condoning the delay to bring the legal heirs on record. In the circumstances, the revision petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.10.2015

Index : Yes
Internet: Yes
vsm

D.HARIPARANTHAMAN,J.

To

The District Court, Nagapattinam.

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