

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2015

CORAM

THE HONOURABLE MR.**JUSTICE D.HARIPARANTHAMAN**

C.R.P (NPD) No.3672 of 2015

Balasubramaniam

... Petitioner

vs.

Minor Loganathan (deceased)

1.Minor Sripathi

2.Neelavathi

Amaravathi (died)

3.Durairaj

Venkataramanasamy (died)

4.Kulandasamy

Duraisamy Gounder(died)

5.A.Senthil Nathan

6.Radhakrishnan

7.Muthulakshmi

8.Sivakumar

9.Chitrakala

10.Akila

.... Respondents

(Minor 1st respondent is represented
by his mother / Guardian Neelavathi)

Civil revision petition has been filed under Article 227 of
the Constitution of India against the fair and decretal order dated
22.12.2014 made in I.A.No.192 of 2008 in O.S.No.134 of 1996 on the

file of the learned District Musif, Kangayam.

For petitioner : Mr.N.Manokaran

ORDER

The revision petitioner is the plaintiff in O.S.No.134 of 1996 on the file of learned District Munsif, Kangayam. It is a partition suit. The suit was dismissed for default, which was not adjudicated on merits. There was a huge delay of 3000 days in re-presentation. Though the said delay was condoned, the Trial Court refused to condone the delay of 87 days in filing an application to set aside the order dismissing the suit for default. The suit is of the year 1996. Now, we are at 2015. The suit was not adjudicated on merits. Even it is admitted by the learned counsel appearing for the revision petitioner that it is not a bar to file a fresh suit.

2. In view of the same, the civil revision petition is disposed of, with liberty to the revision petitioner to work out his remedies in the manner know to law. No costs.

28.09.2015

Index:Yes/No
sbi

To

The District Munsif,
Kangeyam.

D.HARIPARANTHAMAN,J.

sbi

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