WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.06.2015**

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(PD)(MD)No.1312 of 2014
and
M.P.(MD)Nos.1 and 2 of 2014

Venkatesan ..Petitioner/Respondent/Defendant

Vs.

Dhanathammal (died)
1.Kalyani
2.Gandhimathi
3.Manickam
4.Srinivasan
5.Gajalakshmi ..Respondents/Petitioners/Proposed Plaintiffs

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 04.03.2014 made in I.A.No.894 of 2013 in O.S.No.1802 of 2009, on the file of learned Principal District Munsif, Tiruchirappalli.

For Petitioner : Mr.P.Arun Jayatram
For Respondents : Mr.M.Ashok Kumar

ORDER

The respondents filed two applications one under Order 22 Rule 3 of Code of Civil Procedure to bring on record the Legal Representatives of the deceased plaintiff and another under Order 22 Rule 9 to set aside the abatement.

2. According to the petitioner, the learned Trial Judge has not taken up the applications filed by the respondents. The respondents filed independent application under Order 22 Rule 9 of Code of Civil Procedure, to set aside the abatement. The said application was allowed by the Trial Court.

3. It is the contention of the petitioner that without impleading the legal representatives, it is legally impermissible to allow the application filed under Order 22 Rule 9.

4. Heard the learned counsel for respective parties.

5. The factual matrix shows that the respondents have filed application under Order 22 Rule 3 to bring on record the legal representatives of the deceased plaintiff. The Trial Court, without numbering the said application, allowed the application filed under order 22 Rule 9 of Code of Civil Procedure. Since the learned Trial Judge has already exercised the discretion and set aside the abatement, I am of the view that no interference is called for in the

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

said order. Since the legal representatives should be made parties, I direct the learned Trial Judge to number the application filed by the respondents under Order 22 Rule 3 and dispose of the same, as expeditiously as possible.

6. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AE)

\\True copy\\

Sub Assistant Registrar

To

The Principal District Munsif,
Tiruchirappalli.

+1cc to M/s.P.Arun Jayatram, Advocate Sr.No.30750
+1cc to M/s.M.Ashok kumar, Advocate Sr.No.30901

SML
akm/29.06.15 /2p-4c/

Order made in
C.R.P.(PD)(MD)No.1312 of 2014
Dated:- 12.06.2015

https://hcservices.ecourts.gov.in/hcservices/