

HIGH COURT OF JUDICATURE AT MADRAS**DATED : 15.02.2016****CORAM :****THE HONOURABLE Dr.JUSTICE S.VIMALA****CRP (NPD) No.2218 of 2013**
and MP.No.1 of 2013

Pazhaniappan
S/o. Manickasamy Mudaliar
No.77, Rozario Street,
Pondicherry – 3.

... Petitioner

Vs

Vinayagam @ Siva
S/o. Late Swaminathan @ Ramasamy
No.7, Kali Koil Street
Thelaspeth, Pondicherry – 605 009.

... Respondent

PRAYER : Civil Revision Petition filed under Section 115 of Civil Procedure Code praying to set aside the fair and final order dated 17.08.2011 made in I.A.No.178/2011 in I.A.No.294/2006 in O.S.No.356 of 2003 on the file of the II Additional District Judge, Puducherry.

For Petitioner	:	No Appearance
For Respondent	:	Mr.R.Muralidharan

ORDER

The Civil Revision Petition has been filed by the revision petitioner/defendant seeking to set aside the dismissal order passed in I.A.No.178/2011 in I.A.No.294 of 2006 in O.S.No.356 of 2003 dated 17.08.2011 on the file of the II Additional District Judge, Puducherry.

1.1. The defendant filed an application to set aside the exparte decree along with an application to condone the delay in I.A.No.294 of 2006. For non-appearance, the application to condone the delay in I.A.No.294 of 2006 was dismissed. Praying to set aside the dismissal order, another application was filed along with an application to condone the delay of 115 days in I.A.No.178 of 2011. That petition was dismissed. Challenging the same, revision petition has been filed.

2. The learned counsel for the respondent herein has filed a memo dated 08.07.2015 stating that the respondent/plaintiff has passed away on 14.11.2014, leaving behind his wife Sundarambal and daughter Uma Devi as legal representatives. Notice has been served on the learned counsel for the petitioner on 08.07.2015. Thereafter, when the matter was taken up, a representation was made regarding the pendency of this memo and non-filing of the application by the revision petitioner/defendant to implead the legal representatives of the deceased sole respondent. At the request of the learned counsel for the revision petitioner/defendant, ten days time was granted to file the impleading petition.

3. Today, when the matter is taken up, neither the application to implead the legal representatives has been filed nor the reasons for non-filing of the same has been adduced.

4. Under such circumstances, when no steps have been taken to implead the legal representatives of the respondent, the Civil Revision Petition cannot be taken up for hearing. Therefore, the revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

15.02.2016

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To:
The II Additional District Judge
Puducherry.

S.VIMALA ,J.,

ds

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