



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.382 of 2016 (PD)

and

C.M.P. (MD) No.1680 of 2016

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1.Selvi Prabha
2.Minor.Harini Sri
3.Minor.P.Pranesh
4.Venkapathy
(Minors 2 & 3 are rep. By its
Guardian their mother 1st petitioner)

.. Petitioners/Respondents 4 to 7
Defendants 4 to 7

Vs.

1.R.Crazy Jeyanthi
2.A.Josephraj
3.Shanthimerry
4.A.Edward Paulraj
5.Rajam Jansirani
(Respondents 1 to 5 rep. By their
Power Agent K.Pandidurai)

.. Respondents 1 to 5/Petitioners 1 to 5/
Plaintiffs

6.Janakiammal
V.Prakash (died)
7.Nandhini

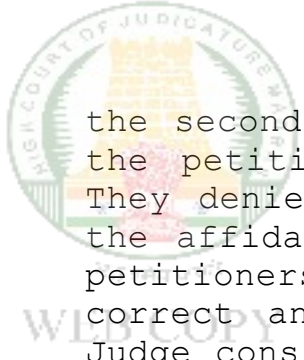
.. Respondents 6 & 7/ Respondents 1 & 2
Defendants 1 & 2

PRAYER: Civil Revision Petition is filed, under Article 227 of Constitution of India, to set aside the order and decree made in I.A.No.359 of 2014 in O.S.No.5 of 2013 on the file of the Principal District Munsif, Manamadurai, dated 18.03.2015.

For Petitioner : Mr.T.R.Subramanian

ORDER

The petitioners are the defendants 4 to 7 and respondents 1 to 5 filed a suit in O.S.No.5 of 2013, on the file of the District Munsif Court, Manamadurai for declaration and permanent injunction restraining the respondents and their men from interfering with the peaceful possession and enjoyment of the defendants 4 to 7. Pending suit, the second defendant/father of the petitioners died on 09.02.2013. The respondents 1 to 5 filed an Interlocutory Application in I.A.No.359 of 2014 to condone the delay of 414 days and to bring on record the Legal Heirs of the second defendant. According to the respondents 1 to 5, the delay occurred as they could not get the details of the Legal Heirs of



the second defendant/deceased Prakash, in time. In the said I.A., the petitioners entered appearance and filed counter affidavit. They denied all the averments made by the respondents 1 to 5 in the affidavit filed in support of the petition. According to the petitioners, the reason given by the respondents 1 to 5 is not correct and they have not given any valid reason. The learned Judge considering the facts and circumstances, allowed the condone delay application. Against the said order, the present Civil Revision Petition has been filed.

2.The learned counsel for the petitioners submitted that the learned Judge failed to consider the huge delay of 414 days to file the petition to bring on record the Legal Heirs of the second defendant/deceased. The reason given by the respondents 1 to 5 for the delay, is not valid. The suit properties were sold long back and the petitioners have nothing to do with the suit property and they are unnecessarily impleaded as defendants.

3.Heard Mr.T.R.Subramanian, learned counsel appearing for the petitioner.

4. I have carefully perused the entire materials on record and arguments of counsel for the petitioner.

5.The contention of the learned counsel for the petitioners that the learned Judge erred in condoning the delay of 414 days to file the petition to bring on record the Legal Heirs of the second defendant is untenable. It is well settled that the length of delay is not a criteria, but the reason given by the parties must be sufficient and valid reason. The Court has to see that whether the action of the party is bonafide or malafide. In the present case, the respondents 1 to 5 have stated that the delay in filing the application to implead the petitioners has been occurred only due to delay in getting the details of the Legal Heirs of the deceased second defendant. The reason given by the respondents 1 to 5 is sufficient and valid. Therefore, the learned Principal District Munsif, Manamadurai considered all the materials on record and considering the reason given by the respondents 1 to 5, allowed the petition for condonation of delay. There is no irregularity or illegality in the said order warranting interference by this Court.

6.In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/
Assistant Registrar (C.O.Dept)



To
The Principal District Munsif,
Manamadurai.

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+One CC to Mr.T.R.Subramanian, Advocate in Sr.No.9166

CN/SKS-SK/24.03.2016/3P-3C

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