

HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION Nos.1132 and 1137 of 2012

COMMON ORDER:

The revision petitioners herein filed application before the lower Court one application in O.S.No.281 of 1994 and another application in O.S.No.73 of 1995 seeking leave to withdraw the legal representative applications on the ground that applications were filed with defects viz., without filing delay petition and set aside abatement petition and trial Court permitted revision petitioners to withdraw the applications, but refused permission to file fresh applications as requested. Now, the grievance of revision petitioners is as they were not permitted to file fresh applications to implead the legal representatives along with delay condonation petition and set aside abatement petition the purpose of filing withdrawal application has become infructuous.

2. Heard both sides.

3. Advocate for respondents submitted that trial Court observed that petitioners are at liberty to withdraw the applications filed by them at any stage of the case, which impliedly accorded permission to file applications and that petitioners ought to have filed the required applications before the Court below instead of approaching this Court by way of revisions. He submitted very intention of petitioners is to protract the proceedings.

4. Revision petitioners herein filed I.A.No.2448 of 2011

in O.S.No.281 of 1994 to implead themselves as legal representatives of 2nd plaintiff. Thereafter petitioners filed I.A.No.100 of 2012 to permit them to withdraw the said I.A.No.2448 of 2011. Similarly, petitioners filed I.A.No.2367 of 2011 in O.S.No.73 of 1995 to implead them as legal representatives of some deceased person and in that suit, I.A.No.121 of 2012 is filed to withdraw I.A.No.2367 of 2011. Petitioners contended that they were advised to withdraw those legal representative petitions to file from applications along with delay condonation petition and abetment set aside petition as a abundant caution. Trial Court passed the impugned orders in I.A.No.100 of 2012 and I.A.No.121 of 2012.

5. Considering the facts of the case and submissions of both sides, without going into merits of the contentions and rival contentions of both parties, I am of the view that these revisions can be disposed of giving liberty to revision petitioners to file the necessary applications before the Court below within 15 days from today and on filing such applications, the Court below shall decide them afresh in accordance with law without being influenced by any of the findings recorded in the order dated 06.04.2012 in I.A.Nos.100 and 121 of 2012 within three months thereafter.

6. With the above direction, the revision petitions are disposed of.

7. Miscellaneous Petitions, if any, shall stand

dismissed. No costs in all the revisions.

S. RAVI KUMAR, J

5th February 2016.

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