

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.04.2017

CORAM

THE HONOURABLE Ms.JUSTICE V.M.VELUMANI

C.R.P.[PD] No.1477 of 2017
and C.M.P.No.6859 of 2017
and
C.R.P.[PD] No.1519 of 2017
and C.M.P.No.7078 of 2017

A.T.Saravankumar

.. Petitioner
in both CRP

Vs.

1.A.T.Somasundaram
2.G.Ravikumar
3.G.Rajeshkumar
4.G.Lakshmi
5.G.Usha Rani
Rep. by Power Agent G.Ravikumar
6.Vidya
Rep. by Power Agent G.Ravikumar
7.S.Nanjundaiah
8.S.Subramaniam
9.S.Gandharaj
10.S.Seethamma
11.S.Santhama
12.Manjula
13.P.Pradeep
14.Thayammal
15.Latha
16.Geetha
17.Saila

.. Respondents
in both CRP

Civil Revision Petitions filed under Article 227 of the Constitution of India, to direct the learned District Munsif, Udthagamandalam, to number the unnumbered Interlocutory Applications filed in O.S.No.77 of 2012 and O.S.No.67 of 2012 on the file of the District Munsif, Udthagamandalam.

For Petitioner : Mr.N.Manokaran
For Respondents : No Appearance

COMMON ORDER

These Civil Revision Petitions have been filed to direct the learned District Munsif, Udhagamandalam, to number the unnumbered Interlocutory Applications filed in O.S.No.77 of 2012 and O.S.No.67 of 2012 on the file of the District Munsif, Udhagamandalam.

2. Since the issues involved in both the Civil Revision Petitions are one and the same, a Common Order is passed.

3. The petitioner is plaintiff in O.S.No.77 of 2012 and O.S.No.67 of 2012 on the file of the District Munsif Court, Udhagamandalam. While the suit was pending, the 8th defendant in both the suit died. Learned counsel appearing on behalf of the petitioner before the trial Court made an endorsement that there is no legal heir for D8. The petitioner has filed two applications to condone the delay to set aside the abatement caused due to the death of D8. The said applications have returned raising queries. The petitioner represented the same complying the said return. Finally, the learned Judge returned the said applications on 21.03.2017 raising the query of maintainability. The petitioner has filed these Civil Revision Petitions against the said returns.

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. From the materials on record, it is seen that the applications are filed to condone the delay in filing the application to set aside the abatement caused due to the death of D8.

6. In the circumstances, the return of the learned Judge raising the issue of maintainability is not correct. The learned District Munsif, Udhagamandalam is directed to number the unnumbered Interlocutory Applications filed in O.S.No.77 of 2012 and O.S.No.67 of 2012, if re-presented by the petitioner within one week from the date of receipt of a copy of this order, if it is otherwise in order and decide the applications in accordance with law.

7. With the above direction, both the Civil Revision Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

8. Registry is directed to return the original unnumbered Interlocutory Applications in O.S.No.77 of 2012 and O.S.No.67 of 2012 filed along with the Civil Revision Petitions, while issuing a copy of this order.

21.04.2017

gya

To
The District Munsif,
Udhagamandalam.

V.M.VELUMANI, J.

gya

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