

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **31.01.2017**

CORAM

THE HON'BLE MRS.JUSTICE **PUSHPA SATHYANARAYANA**

CRP PD No.183 of 2017  
and  
C.M.P.No.778 of 2017

Umapathy (died)

1. S.Mathivathanan  
2. T.Samarapuri

.. Petitioners

vs

1. R.Gurusamy  
2. R.Gunasekaran  
3. R.Manoharan

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed by the District Munsif, Thirutotriyur in I.A.No.757 of 2016 in O.S.No.12 of 2011 dated 01.11.2016 and to set aside the same.

For Petitioners : No Appearance  
For Respondents : No Appearance

**ORDER**

The revision is directed against the order dismissing an application filed under Section 5 of the Limitation Act to condone the delay of 239 days in setting aside the dismissal order dated

26.11.2015 passed in I.A.No.1190 of 2013.

2. The said I.A.No.1190 of 2013 was filed to implead the petitioners herein as defendants in the suit. The said application was dismissed for default and in restoring the same, there is a delay of 239 days. As there is no explanation from the petitioners, the said application was dismissed, against which, the above revision has been filed.

3. When the matter was taken up for hearing on 27.01.2017, at request of the learned counsel for the petitioners, the matter was adjourned to 30.01.2017. On 30.01.2017, when the matter was called, there was no representation for the petitioner. Hence, the matter was directed to be posted on 31.01.2017 under the caption 'for dismissal'. Even today i.e. (31.01.2017), when the matter is posted under the caption 'for dismissal, there is no representation for the petitioner either in person or through counsel. There is no representation for the respondents also.

4. Even considering the case on merits, the order passed by

the trial Court is in exercise of discretion. Therefore, there is nothing to interfere in this revision.

5. Accordingly, the Civil Revision Petition is dismissed for 'non prosecution'. No costs. Consequently, the connected miscellaneous petition is closed.

31.01.2017

srn

Index: yes/No

Internet: yes

To

The District Munsif,

Thirutotriyur

**PUSHPA SATHYANARAYANA.J**

**srn**

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