



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Fourteenth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CMP(MD) Nos.4866 to 4869 of 2017

IN

CRP NPD No.811 of 2004

1 KANAGARATHINAMMAL (DIED)	...SOLE REVISION PETITIONER
2 P.BHAVANI,	
3 N.PORKODI,	... PETITIONERS/PETITIONERS
	PROPOSED PETITIONERS 2 & 3

Vs

1 SPMRM. MUTHIAH PILLAI	
2 P.MARUTHAPPAN,	
3 P.JEYAPAL (DIED)	
4 P.ARASARATHINAM,	
5 S.ARASARATHINAM,	
6 S.GURUSAMY	
7 TMT. HARIBA BEEVI	
8 TMT.RATHINA KUMARI	
9 P.ABDULLAH	
10 SMT.JENNATH BEGUM	... RESPONDENTS/RESPONDENTS/RESPONDENTS

Prayer in CMP(MD). 4866/ 2017 in CRP NPD No.811 of 2004:

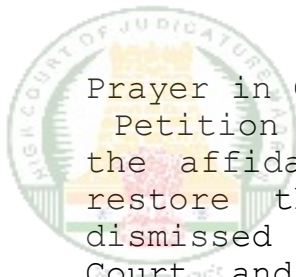
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to restore the CRP.No.811/2004, which was dismissed for default on 12.2.2016 to this file of this Honourable Court and thus render justice.

Prayer in CMP(MD). 4867/ 2017 in CRP NPD No.811 of 2004:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to restore the M.P.No.1 of 2013 in C.R.P.No.811/2004, which was dismissed for default on 12.2.2016, to the file of this Honourable Court, and thus render justice.

Prayer in CMP(MD). 4868/ 2017 in CRP NPD No.811 of 2004 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to restore the M.P.No.2 of 2013 in C.R.P.No.811/2004, which was dismissed for default on 12.2.2016, to the file of this Honourable Court, and thus render justice.



Prayer in CMP(MD). 4869/ 2017 in CRP NPD No.811 of 2004:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to restore the M.P.No.3 of 2013 in C.R.P.No.811/2004, which was dismissed for default on 12.2.2016 to the file of this Honourable Court, and thus render justice.

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PRAYER IN CRP NPD No.811 of 2004: Civil Revision Petition against Order and Decreeal Order in I.A.No.363/2002 in I.A.No.95/2002 in O.S.No.90/1999 on the file of the District Munsif, Tiruppatur dated 07.03.2003.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.Ramesh, Advocate for the petitioner in all the petitions the court made the following order:-

The suit in O.S.No.90 of 1999 was filed for declaration and consequential relief of injunction in the year 1999 by the revision petitioner and the suit was dismissed for default on 14.12.2001. To restore the suit, the revision petitioner has filed an application in I.A.No.95 of 2002 with a delay of 40 days. When the application for condonation of delay was taken up for enquiry, there was no representation for the revision petitioner and hence, the application filed under Section 5 of the Limitation Act, 1965, was dismissed.

2. Thereafter, another application in I.A.No.363 of 2002 was filed with a delay of 18 days to restore the I.A.No.95 of 2002. The trial Court after considering the pleadings and the contact of the revision petitioner has dismissed the petition.

3. Aggrieved by the same, the revision petition in C.R.P(NPD) No.811 of 2004 was filed by the revision petitioner/plaintiff. When the revision petition was pending for adjudication and taken up for final hearing on 09.02.2016, there was no representation for the revision petitioner and hence, the matter was listed under the caption 'for dismissal' on 12.02.2016. Even on that day, there was no representation for the revision petitioner and hence, this Court dismissed the revision petition on 12.02.2016.



4. The learned Counsel appearing for the revision petitioner has taken out the above applications to restore the revision petition which was dismissed for default.

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5. The consistent non-appearance of the learned Counsel for the revision petitioner would lead to the dismissal right from the Original Suit and the application to restore the suit and the revision petitioner does not bother about this Court to entertain the revision petition.

6. Hence, this Court finds no merit to allow the above Civil Miscellaneous Petitions and give a new life to the suit filed in the year 1999 and allowed to be dismissed for default in the year 2001, after a lapse of 16 years.

7. Therefore, C.M.P(MD)Nos.4866 to 4869 of 2017 are dismissed.

sd/-
14/06/2017

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE DISTRICT MUNSIF, TIRUPPATUR

SM:PM-PN:SAR 1:23.6.2017:3P/2C

ORDER
IN
CMP(MD) Nos.4866 TO 4869 of 2017
IN
CRP NPD No.811 of 2004
Date :14/06/2017