



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2017

CORAM:

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P.(MD)Nos. 971 of 2017(PD)

and

C.M.P.(MD) No. 4297 of 2017

R.Gurusubramaniyan .. Petitioner/Petitioner/Plaintiff

Vs.

1.A.Karuppaiah

2.R.Subramani

3.The Manager,
UTI Bank Limited,
Thillai Nagar Branch,
Trichy.

.. Respondents/Respondents/Defendants

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair order and decreetal order in I.A.No.193 of 2015 in O.S.No.542 of 2009 on the file of the Learned Principal District Munsif, Trichirappalli dated 07.10.2016.

For Petitioner

:: Mr.V.Nagenthran

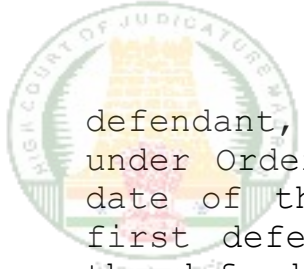
ORDER

This revision petition is directed against the dismissal of the Interlocutory Application filed by the revision petitioner to bring the Legal Representatives of the deceased first defendant on record.

2.While filing that application, the revision petitioner has not even mentioned the date on which the first defendant died. Therefore, the Trial Court could not find the date of death of the first defendant in the affidavit.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The Trial Court has held that inspite of giving several opportunities to mention the date of the death of the first



defendant, the petitioner has not furnished the same. The petition under Order 22 Rule 4 CPC has to be filed within 90 days from the date of the death. Without mentioning the date of death of the first defendant, the Court cannot come to a conclusion, whether the defendant really died and whether the suit is abated or not.

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4. Even in the revision petition, the revision petitioner has not mentioned the date on which the first defendant died, which would show the malafide intention of the revision petitioner. In spite of pointing out the non-mentioning of the relevant fact namely, the date of death of the first defendant by the Trial Court, the revision petitioner has filed this revision deliberately without disclosing the date of death. Therefore, it is a clear case of abusing the process of the Court by filing frivolous petition without material fact for the Court to consider.

5. Hence this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No Costs.

Sd/-

Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

To

The Principal District Munsif,
Tiruchirappalli.

GK/MM

RL/2C/2P/MR/15.5.2017

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