

THE HON'BLE SRI JUSTICE M. S. K. JAISWAL

C.R.P.No. 1145 of 2017

ORDER:

This civil revision petition is filed by the plaintiffs in O.S.No.60 of 2007 on the file of Junior Civil Judge at Rajam, questioning the orders in I.A.No.62 of 2016, dated 04.11.2016, by and under which, the learned Junior Civil Judge dismissed the application filed under Sec.5 of the Limitation Act to condone the delay of 125 days in filing an application to implead the legal representatives of the 1st respondent/1st Defendant, who died during the pendency of the suit.

2. Heard the learned counsel for the petitioners/plaintiffs and considered the material on record.

3. In support of the application, the petitioners/plaintiffs filed an affidavit stating that the application to implead the legal representatives of the deceased defendant could not be filed within time due to ill-health. The learned Junior Civil Judge did not accept the said ground as no proof of ill-health was produced. In fact, the suit was filed for partition of the immovable properties and the proposed legal representatives of the deceased defendant are his wife and children.

4. Therefore, taking into consideration the nature of litigation and the nature of the suit, which is filed for partition of immovable properties, the delay of 125 days in taking steps to implead the

legal representatives of 1st Defendant, can be condoned, subject to certain conditions.

5. Therefore, the civil revision petition is allowed on condition of the petitioners/ plaintiffs paying costs of Rs. 1,000/- (Rupees one thousand only) to the credit of Mandal Legal Services Committee, Rajam on or before 30.06.2017; failing which the revision stands dismissed. Further, on compliance of the above condition, the delay stands condoned, and the learned Junior Civil Judge, Rajam should take appropriate steps in the matter.

6. The CRP is allowed accordingly. Consequently, the pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

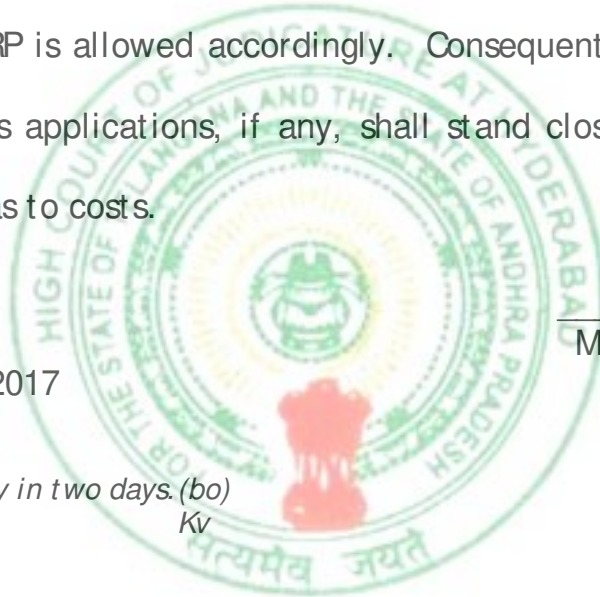
Date: 02.06.2017

Note:

Issue order copy in two days. (bo)

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M. S. K. JAISWAL, J



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