

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2018

Coram

The Honourable Ms.Justice P.T.ASHA

C.R.P.(PD)No.1580 of 2006

S.Karunanidhi

..Petitioner

-Versus-

1.Lakshmiammal
2.Dhanabakkiam
3.Chinnaraji Gounder
4.Perumal
5.Chinnapaiya Gounder
6.Buddan
7.Vanoraja
8.Vijaya
9.Natarajan
10.Palani
11.Balamaniammal
12.Kamala
13.Kaveri
14.S.Devaki
15.S.Kowsalya
16.Chennammal
17.Perumal
18.Gowri
19.Deivka
20.Kantha
21.Chinnathai
22.Madaiyan

..Respondents

[Since Respondents 16 to 22 are proposed defendants, notice in CRP may be dispensed with given up]

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decreetal in I.A.142 of 2004 in O.S.No.425 of 1996, on the file of District Munsif cum Judicial Magistrate @ Uthangarai in dismissing the petition filed to condone the delay in bringing on record the legal representative of the deceased sixth defendant.

For Petitioner : Mr.V.Lakshminarayanan

ORDER

The above civil revision petition is filed challenging the order dated 07.02.22006 passed by the District Munsif-cum-

Judicial Magistrate, Uthangarai in I.A.No.142 of 2004 in O.S.No.425 of 1996, in and by which, the learned Judge has dismissed the application filed by the revision petitioner seeking to condone the delay of 633 days in filing the application to bring on record the Legal Representatives of the deceased sixth defendant.

2. The learned Judge has dismissed the condone delay application on the ground that the revision petitioner has not given any reason for the delay and that an application to bring on record the Legal Representatives of a deceased party should be filed immediately on the death of the concerned person.

3. A perusal of the affidavit filed in support of the interlocutory application would indicate that the revision petitioner has stated that since he is not residing in the same village, he was unaware about the death of the 6th defendant, as a result of which, the delay had crept in and the interlocutory application has been moved immediately on their coming to know of the death of the sixth defendant.

4. In the light of such reasons being given by the revision petitioner, I am unable to understand as to how the learned Judge had come to the conclusion that no reasons were given by the revision petitioner. The Court should not take a very pedantic and technical view while dealing with such applications, since by refusing to condone the delay, the disposal of the suits gets further delayed and adds to the docket explosion. The order of the learned District Munsif, therefore deserves to be set aside. The Civil Revision Petition is accordingly, allowed. No costs.

gms/dua

Sd/-

Deputy Registrar

// True Copy//

Sub Assistant Registrar

To

The District Munsif-cum-Judicial Magistrate
Uthangarai.

+ 1 cc to Mr.V.Raghavachari, Advocate Sr 66202

KR/5/10/18

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