

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Civil Revision Petition (PD) No.4279 of 2017

and

C.M.P.No.20117 of 2017

1.K.Kannaki
2.V.Vijaykumar

... Petitioners/Respondents

..Vs..

K.Kalimuthu(Deceased)
K.Ilango

... Respondent/Petitioner

Prayer: This Civil Revision Petition has been filed under Article 227 of Constitution of India, against the Order and Decreetal dated 10.08.2017 made in I.A.No.384 of 2017 in O.S.No.23 of 2016 passed by the learned Principal District Judge, Chengelpet.

For petitioners : Mr.S.Sathishrajan
For Respondent : Mr.K.J.Parthasarathy

ORDER

Challenging the fair and decretal order dated 10.08.2017 in I.A.No.384 of 2017 in O.S.No.23 of 2016 on the file of the Principal District Judge, Chengelpet, the present Civil Revision Petition has been filed.

2. The respondent has filed a suit in O.S.No.23 of 2016, on the file of the Principal District Court, Chengalpattu and in the said suit he has also filed an Application in I.A.No.384 of 2017 in O.S.No.23 of 2016, to implead himself as legal heir of the deceased sole plaintiff Kalimuthu on the basis of an unregistered Will alleged to have been executed by the said Kalimuthu. The Court below dismissed the said petition with liberty to the respondent to file a fresh Application along with condone delay petition and also by impleading the mother of the respondent as party. Challenging the aforesaid order, the present Civil Revision Petition has been filed before this Court.

3.The learned counsel for the respondent would submit that pursuant to the order passed by the Principal District Judge, Kancheepuram District, at Chengalpattu, in I.A.No.384 of 2017 in O.S.No.23 of 2016, the respondent has filed Applications in I.A.No.1277 to 1279 of 2017 before the Court below to condone the delay, to bring on L.R's of the deceased legal heir and to set aside application and the same has been pending. Therefore, there is no error or irregularity in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

06.02.2018

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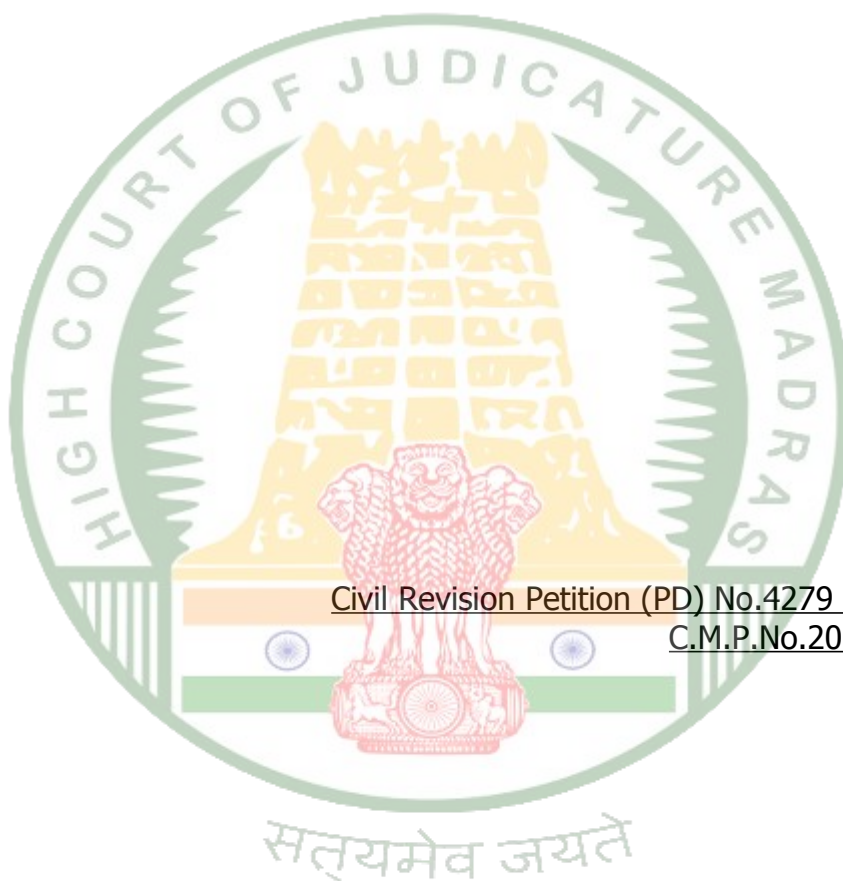
To
The Principal District Judge, Chengelpet.



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D.KRISHNAKUMAR, J.,

nvi



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