

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

C.R.P.(NPD).Nos.1212, 1938 and 2028 of 2012

Dr.S.R.Thangamani ... Petitioner in all the C.R.Ps.

Vs

1. Rengarajan ... Respondent in
C.R.P.NPD.No.1212 of 2012

2.R.Malarkodi ... Respondent in
C.R.P.NPD.No.1938 of 2012

3.R.Murugarajan ... Respondent in
C.R.P.NPD.No.1938 of 2012

Common Prayer: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code against the Fair and Decretal Order dated 02.02.2012 passed by the District Munsif Court, Mannargudi, in I.A.Nos.560 to 562 of 2011 in U.F.O.S.No.____ of 2011, rejecting the petition relating to representation of the Plaintiff for the delay of 695 days.

For Petitioner : Mr.N.Sundaramurthy
For Respondents : Ms.P.T.Ramadevi

COMMON ORDER

These three revision petitions arises out of an order of dismissal passed in I.A.Nos.560 to 562 of 2011 in U.F.O.S.No.____ of 2011, on the file of the District Munsif Court, Mannargudi, rejecting the petitions filed by the revision petitioner/plaintiff under Section 151 of C.P.C. seeking to condone the delay in representing the plaint.

2. The learned counsel for the petitioner submitted that the plaintiff is one and the same person who has laid four suits for declaration of title and for other ancillary reliefs. All were returned for complying some defects. There intervened delay of 695 days in representing the plaints in all the cases. Therefore, the plaintiff has filed applications for condoning the delay in representation of plaints, which were dismissed by the trial court. Challenging the said order of dismissal, the plaintiff has preferred four C.R.Ps., viz., C.R.P.(NPD).Nos.1212, 1938, 2028 and C.R.P.(NPD).No.2071 of 2012. The 4th one i.e., C.R.P.(NPD).No.2071 of 2012 is not a part of this proceedings and the same was already allowed by this Court on payment of cost of Rs.5,000/-.

3. Heard Mr.N.Sundaramurthy, learned counsel for the petitioner and

Ms.P.T.Ramadevi, learned counsel for the respondents.

4. The learned counsel for the petitioners submitted that after arranging with his counsel to institute the suit, the petitioner had gone abroad for making a living and hence he could not contact his counsel, and that when he finally managed to contact him, he was informed by his counsel that due to inadvertent mistake the plaint was not represented in time.

5. In response, the learned counsel for the respondents vehemently argued that the suits are laid only to harass the defendants, who are all close relatives of the plaintiff and as to the cause of delay he should have followed what is happening in the Court and the present attempt is to be understood as his continuing effort to harass the respondents/defendants.

6. After weighing rival submissions and in the best interest of justice, this Court allows all the three Revision Petitions, setting aside the order dated 02.02.2012 in I.A.Nos.560 to 562 of 2011 on the file of the District Munsif Court, Mannargudi, on payment of cost of Rs.5,000/- on each of the three petitions and the cost shall be paid by

the revision petitioner to the respondent within a period of four weeks from today. No costs.

27.04.2018

Index:Yes/No
ssn

To
The District Munsif Court,
Mannargudi.



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N.SESHASAYEE, J.,

ssn



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and 2028 of 2012**

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