



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(PD)(MD) No.2303 of 2017
and C.M.P.(MD) No.11155 of 2017

1.C.Pitchammal
C.Rajasekaran (died)
2.Sujatha Daizi Rani
3.Ramesh Chandrasekaran
4.Anitha Jancy Rani ...Petitioners/Petitioners/
Plaintiffs 1, 3 to 5

-Vs-

1.Amalan ...1st Respondent/1st Respondent/1st Defendant
2.Usharani
3.Saranya Devi
4.Sathish Rajan
5.Senthur Pushpa
6.Hariramasundari
7.Hariramalakshmi ... Respondents 2 to 7/Proposed
Respondents 2 to 7/Proposed Defendants 2 to 7

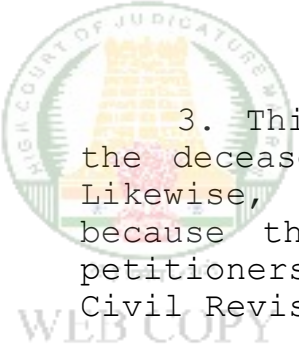
Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India against the order dated 4.11.2017 passed in I.A.No.528 of 2017 in O.S.No.19 of 2008 on the file of the District Munsif Court, Srivaikundam.

For Petitioners : Mr.C.Dhanaseelan
For Respondents : No appearance

O R D E R

O.S.No.19 of 2008 on the file of the District Munsif Court, Srivaikundam, was filed by five plaintiffs seeking the relief of declaration of title and mandatory injunction. During the pendency of the suit, the second plaintiff passed away. There was a delay of 21 days in filing an application for bringing the legal heirs on record. In fact, the legal heirs of the second plaintiff were not prepared to sail along with the remaining plaintiffs. Therefore, the revision petitioners herein wanted to transpose them to the array of defendants. The court below by the order impugned in this Civil Revision Petition dismissed the Interlocutory Application. Questioning the same, this Civil Revision Petition has been filed.

2. Though the names of the contesting respondents are printed in the cause list and they have been served, they have not chosen to enter appearance either in person or through counsel.



3. This Court is of the view that necessarily legal heirs of the deceased second plaintiff will have to be brought on record. Likewise, they have to be transposed to the array of defendants because they have no longer see eye to eye with the revision petitioners. In this view of the matter, the order impugned in this Civil Revision Petition is set aside.

4. In the result, this Civil Revision petition is allowed. No costs. Consequently, connected C.M.P.(MD) No.11155 of 2017 is closed.

Sd/-

Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar(CS-III)

To,
The District Munsif Court, Srivaikundam.

• 1 CC TO Mr.C.Dhanaseelan , ADVOCATE IN SR No. 89086
CM
DS SKN SAR3 13 11 2018 2P 3C

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and C.M.P. (MD) No.11156 of 2017
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