

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.03.2019

CORAM:

The HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD) Nos.915 to 917 of 2006

D. Purushothama Naidu ... Petitioner in all CRPs

v.

1. B.Leelavathy

2.D.Seethapathi

D.Ramachandran (Died) LRs

3.S.Vasanthamani

4.Santhi Ramachandran

5.Minor Nithya Ramachandran

6.Minor Nandhini

(Respondents 5 and 6 Minors Rep. By  
their Mother -Guardian Santhi Ramachandran]

... Respondents in all CRPs

C.R.P.(PD) No..915 of 2006 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 02.12.2005 made in I.A.No.1018 of 2005 in O.S.No.2430 of 2004 on the file of the III Additional District Munsif Court, Coimbatore.

C.R.P.(PD) No..916 of 2006 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 02.12.2005 made in I.A.No.1019 of 2005 in O.S.No.2430 of 2004 on the file of the III Additional District Munsif Court, Coimbatore.

C.R.P.(PD) No..917 of 2006 filed under Article 227 of the Constitution of India against the fair and decreetal order dated 02.12.2005 made in I.A.No.1020 of 2005 in O.S.No.2430 of 2004 on the file of the III Additional District Munsif Court, Coimbatore.

For Petitioner : Mr.K.Venkatasubban  
( in all CRPs ) for M/s.Sarvabhauman Associates

For Respondents : No Appearance (in all CRPs)

COMMON ORDER

Challenging the order passed in I.A.No.844 of 2005 in O.S.No.2430 of 2004 on the file of the III Additional Judge, District Munsif Court, Coimbatore, the petitioner preferred a Civil Revision Petition in C.R.P.No.648 of

2006. The said application in I.A.No.844 of 2005 was filed by the 1st respondent to condone the delay in setting aside the abatement. The 1st respondent also filed I.A.Nos.1018, 1019 and 1020 of 2005 in O.S.No.2430 of 2004 to set aside the abatement to bring on record the legal representatives of the deceased and to appoint a guardian in respect of a minor respectively.

2. The Trial Court allowed the application to condone the delay i.e. I.A.No.844 of 2005, against which, the petitioner preferred a Civil Revision Petition in C.R.P.No..648 of 2006. Consequently, the Trial Court also allowed I.A.Nos. 1018 to 1020 of 2005, against which, the petitioner preferred Civil Revision Petitions in C.R.P.(NPD) Nos.915 to 917 of 2006.

3. The learned counsel appearing for the petitioner submitted that the Civil Revision Petition in C.R.P.No..648 of 2006 was dismissed by this Court by order dated 07.08.2008.

4. Since the revision filed by the petitioner as against the order condoning the delay in filing the application to set aside the abatement was dismissed by this Court, the consequential orders passed in I.A.Nos. 1018 to 1020 of 2005 are liable to be confirmed. Accordingly, the same are confirmed. The Civil Revision Petitions are dismissed. The III Additional Judge, District Munsif Court, Coimbatore is directed to dispose of the suit in O.S.No.2430 of 2004 on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Rj  
To  
The III Additional Judge  
District Munsif Court, Coimbatore

Copy to  
The section officer,  
VR Section,  
High court, Madras  
+1cc to M/s.Sarvabhauman Associates , Advocate SR.No.  
21593

C.R.P.(PD) Nos.915 to 917 of 2006

A.SK(22/04/2019)