

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2019

CORAM:

THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

CRP.(NPD).No.3574 of 2011

1.Kumadavalli (deceased)
2.Rajarajeswari (deceased)
3.Manonmani

... Petitioners

Versus

1.C.K.Pattabiraman (died)
2.C.K.Manivasagam
3.P.Boominathan
4.Tmt.P.Sakkubai
5.P.Vijayasankar
6.P.Gajalakshmi
7.P.Ganesan
8.P.Suganthi
9.P.Jayanthi
10.P.Anuradha

... Respondents

Civil Revision petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 18.02.2011 passed in I.A.No.831 of 2008 in O.S.No.688 of 1982 on the file of the District Munsif Court, Ponneri.

For petitioners : Mr.N.Karthikeyan
For respondents : Mr.N.R.Anantha Ramakrishnan
(for R2, R4 to R10)
: R1 - died
: R3 - No Appearance

ORDER

Petitioners 1 and 2 are the plaintiffs in the original suit in O.S.No.688 of 1982, filed for recovery of possession. Pending the suit the plaintiffs 1 and 2 passed away. The third plaintiff is grand daughter of the first plaintiff and daughter of the second plaintiff.

2. Pending the suit, the first defendant died and his legal heirs were to be brought on record. However, as the deceased plaintiffs 1 and 2 were not in good relationship between the first defendant, the first defendant's death was not known to the third plaintiff/third petitioner herein. After filing of a memo by the defendants, the third plaintiff came to know about that pending suit and the fact that the first defendant died and his legal heirs had to be brought on record.

3. There was delay of 3840 days in filing the application to set aside the abatement and therefore the petitioners filed an application to condone the delay under Section 5 of the Limitation Act. However, the Court below vide order dated 18.02.2011 dismissed the application filed by the petitioners. Hence, the present revision.

4. Taking into consideration the overall facts of the case and also the reasons assigned before the Trial Court, I find that there is sufficient cause to condone the delay. In such view of the matter, the Civil Revision Petition is

allowed and the order passed in I.A.No.831 of 2008 is set aside and the same stands allowed on condition that the petitioners pay a sum of Rs.750/- to The Secretary, Legal Aid Services Authority, Ponneri Munsif Court, within a period of two weeks from the date of receipt of a copy of this order. The Court below is directed to number the Interlocutory application filed by the petitioners to set aside the abatement and dispose of the same as expeditiously as possible.

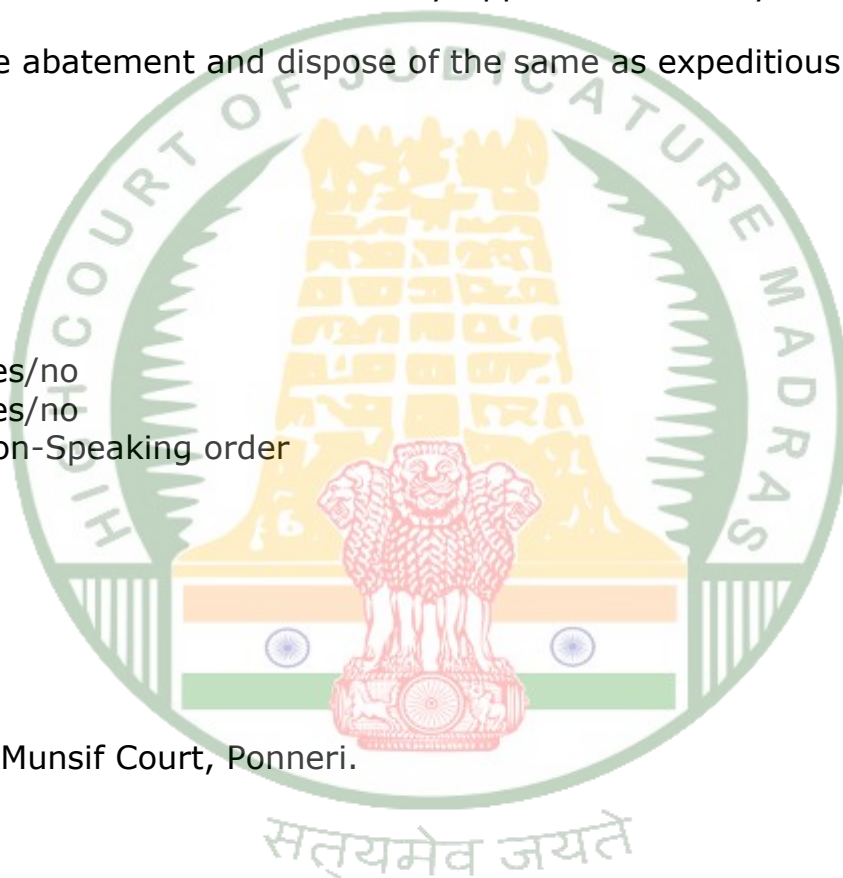
20.12.2019

Index :yes/no
Internet :yes/no
Speaking/Non-Speaking order

klt

To

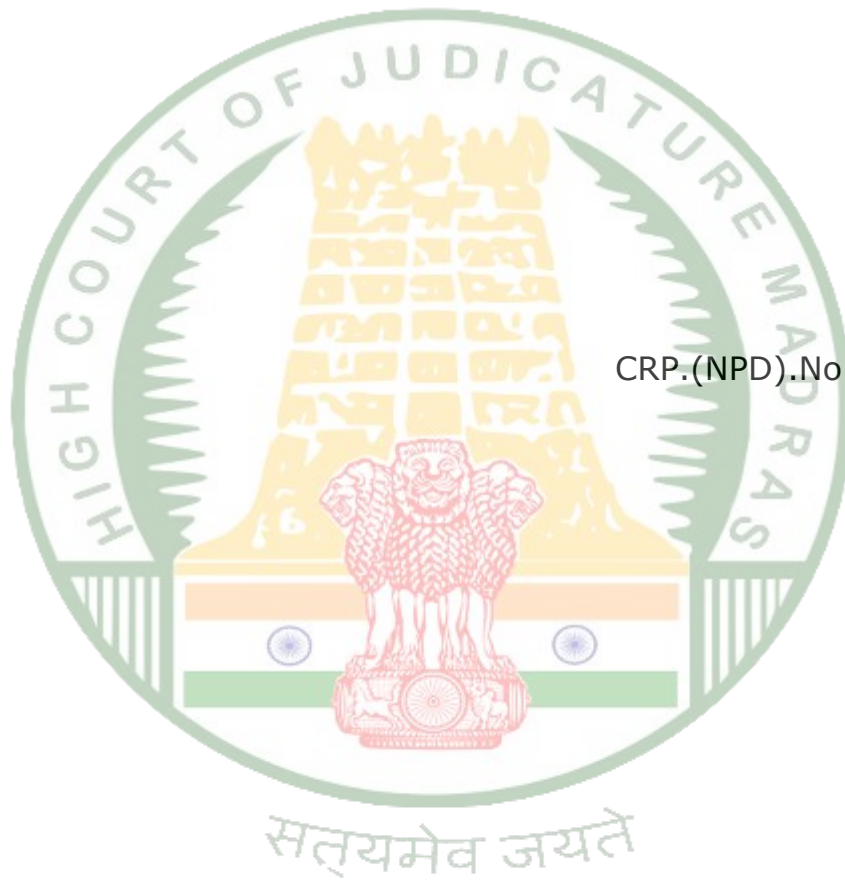
The District Munsif Court, Ponneri.



WEB COPY

RMT.TEEKAA RAMAN.J.,

klt



CRP.(NPD).No.3574 of 2011

20.12.2019

WEB COPY