

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.07.2019

CORAM:

THE HON'BLE MR. JUSTICE M.GOVINDARAJ

**CRP.PD.No.949 of 2019
&
CMP.No.6216 of 2019**

1. M. Haribabu
2. M. Rajesh@Balaji
3. M.Malarkodi

... Petitioners

Vs

P. Manoharan(died)

1. A.Dhanasekaran
2. S. Ramalingam
3. P. Venkatesan,
4. B. Raji
5. D. Palani
6. Perumal
7. Thiyagarajan
8. Sathiyamoorthy
9. Mrs.Akila
- 10.Mrs. Vasuki

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decretal order passed in I.A.No.197 of 2015 in O.S.No.171 of 2007 dated 26.09.2018 on the file of District Munsif Court, Arni, Thiruvannamalai.

For Petitioners : Mr. P. Sateesh Kumar

For Respondents : Mr.P. Mani for R7 to R10

ORDER

The present Civil Revision Petition is directed against the dismissal of impleading petition filed by the petitioners/plaintiffs in I.A.No.197 of 2015 in O.S.No.171 of 2007.

2. According to the petitioner, the proposed parties are the legal heirs of third plaintiff and 1st defendant respectively in I.A.No.197 of 2015. The same was dismissed by the trial court for want of proof by holding that the petitioners have not come forward with clear particulars and the petition has been filed vaguely without mentioning the relationship between the deceased and the proposed parties.

3. Now that the learned counsel for the petitioner would submit that some typographical error had occurred and he is ready to produce any proof as to the descendants of the first defendant.

4. In order to give one more opportunity, the order passed in I.A.No.197 of 2015 in O.S.No.171 of 2017 dated 26.09.2018 are set aside and the matter is remitted back to the trial Court. The learned trial Judge is directed to give one more opportunity to produce ample

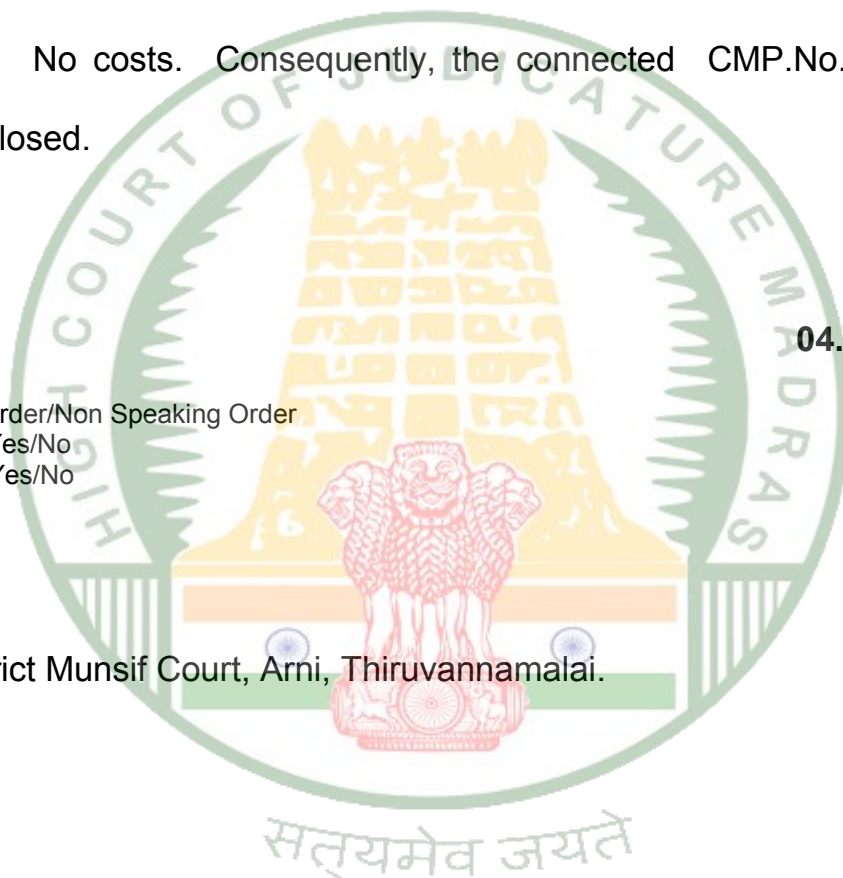
evidence to show the legal heirship of the proposed parties to consider the impleading petition on merits.

5. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, the connected CMP.No.6216 of 2019 is closed.

04.07.2019

Speaking Order/Non Speaking Order
Index : Yes/No
Internet: Yes/No
msr

To
The District Munsif Court, Arni, Thiruvannamalai.

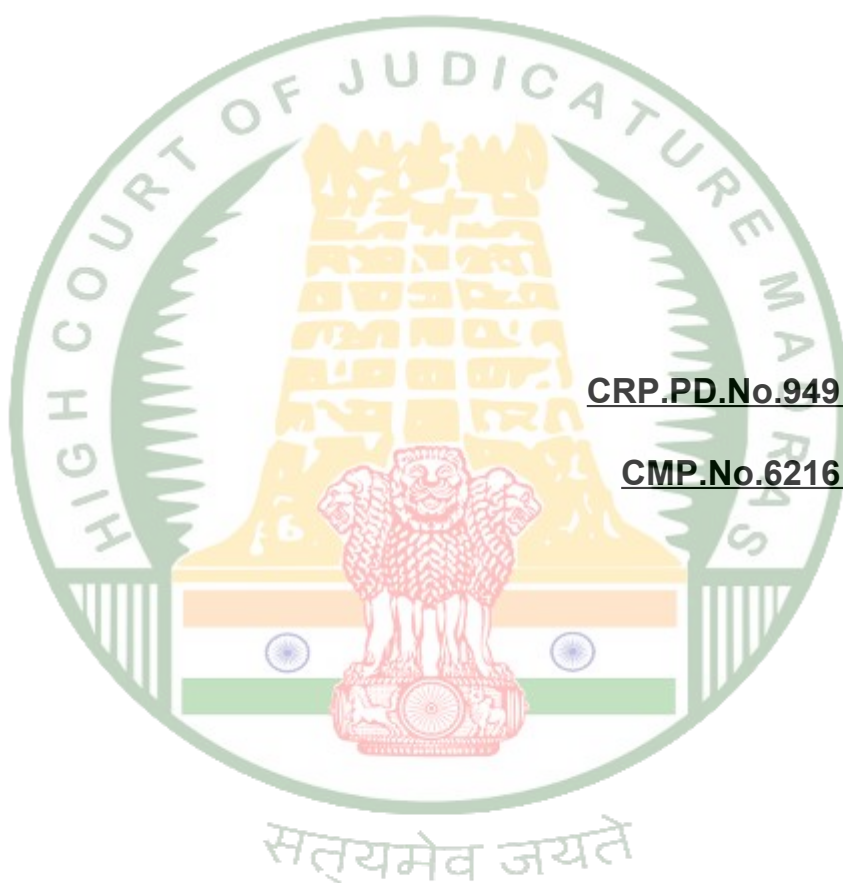


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M.GOVINDARAJ, J.

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