

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

C.R.P.(PD)No.2989 of 2019

and

C.M.P.No.19286 of 2019

1.Sundarammal
2.P.Balasubramani

... Petitioners

Vs.

1.Karthikeyan
2.N.Saravanan
3.N.Murthy
4.N.Balaji
5.Paramasivan @ Parameshwaran
6.Ekambareeswari

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India to set aside the fair and final order dated 19.06.2019 passed in I.A.No.80 of 2018 in O.S.No.258 of 2011 on the file of II Additional Subordinate Judge, Coimbatore.

For Petitioner सत्यमेव जयते : Mr.G.Preethy

ORDER

This revision has been filed against the fair and final order dated 19.06.2019, passed by the II Additional Subordinate Judge, Coimbatore in I.A.No.80 of 2018 in O.S.No.258 of 2011.

2.By the said order, the respondents 1 to 4 herein, who are the proposed parties, wanted to file the impleadment petition where there has been a delay of 1424 days, therefore, Section 5 application under the Limitation Act had been filed and the same was allowed, as against which, the present revision has been filed.

3.I have heard the learned counsel for the petitioners and have gone through the impugned order as well as the other materials placed before this Court for perusal.

4.The respondents 1 to 4, who are the petitioners before the Court below, are the legal heirs of the 2nd respondent/2nd plaintiff i.e., the mother of the petitioners, who died on 01.10.2013 leaving behind these petitioners as legal heirs. Therefore, necessarily the respondents 1 to 4 (petitioners therein) have to be impleaded as parties in the suit and since one of the plaintiff was the uncle, who looked after the matter, these petitioners could not get the details of the progression of the case and therefore, there has been a delay of 1424 days in filing the impleadment petition. In order to condone the said delay, the petition has been filed before the lower Court and after having

considered the same, the lower Court has allowed the said Section 5 application on payment of cost of Rs.1000/-.

5.Since the respondents 1 to 4 herein, who are the petitioners in the lower Court, are the legal heirs of their mother, who had already parties to the suit, during the pendency of the suit, necessarily these respondents 1 to 4/petitioners have to be impleaded as parties in the suit and therefore, if the said condone delay petition is rejected, their valuable right in the suit would get defeated and taking into account the said aspect, the learned Judge before the trial Court has allowed the said Section 5 application with the cost of Rs.1000/-. The said order passed by the lower Court, which is impugned herein, in the considered opinion of this Court, is not infirm unlawful, unjust or perverse. Therefore, the said order, in the considered opinion of this Court, does not require any interference. Hence, this Civil Revision Petition fails and accordingly, the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

WEB COPY

09.09.2019

Sgl

3/4

C.R.P.PD.No.2989 of 2019

R.SURESH KUMAR, J.

Sgl

To

The II Additional Subordinate Judge,
Coimbatore.



C.R.P.No.2989 of 2019

WEB COPY 09.09.2019