



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

C.R.P (MD)No.1141 of 2019

WEB COPY

V. Vincent

... Petitioner

Vs.

1. Bhargavi Amma
2. S. Sathayaraj
3. Y. Joshua
4. Y.Muthayyan
5. Y.Joseph
6. Y.Ponnumani
7. C. Daniel
8. D.Kesavan
9. D. Varuvel
10. D. Daveedu
11. D.Pakianathan
- U.Poul (Died)
- (Respondents 58 to 60 are the legal heirs)
12. P.Thankayyan
13. C.Thankayyan Nadar
14. P.Joseph Nadar
15. B. Perinpanayagam
16. P.Kunjamma Pillai
17. C.Ammukutty Amma
18. J.Varghese Nadar
19. J. Nesan Nadar
- (D. Ponnumuthan Nadar (died),
20. K. Thankappan Nair,
- P.Sanku Nadar (Died)
21. P.Kamalamma
22. Gnanamma
23. A.Nallathampi
24. A.Nesamony
- N.Rayappan (Died)
25. R.Lekshmi Muthamma
26. Elizabeth
27. R. Thomas
28. R.Augustian
29. Latha
30. D.Michael
31. D.Francis
32. D.Rosamma



33.D.Thankamma
34.V.Bhaskara Pillai
35.C.Nesamony
36.Ammu Kutty
37.Gnanamma
38.S.Rajappan
39.S.Jepamony
40.S.Arulappan
41.B.Omana Amma
42.B. Vijayamma
43.B.Kamalalakshi
44.C.Sukumaran
45.C.Gopi
46.C.Vincent
47.Nesammal
48.T.Venus
49.T.Valsalam
50.T.Vijayakumar
51.S.Kanakaraj
52.V.Selvi
53.Lillu Bai
54.V.Elsy
55.V.Johnsy
56.V.Sulochana
57.Vimala
58.P.Thankayyan
59.P.Chellayan
60.P.Sundaram
61.S. Raju
62.S.Vinu
63.S. Kuttapan
64.Monian
65.Raju
66.Simon
67.Karnan
68.Baby
69.Mary
70.Palayyan Nadar
71.Yesudhas
72.Vijayan
73.Moni
74.Sara
75.Prameela

... Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India for issuing a direction to dispose of the Application in I.A.No.374 of 2007 in A.S.S.R.No. 3926 of 2007, on the file of the Sub Court, Kuzhithurai.



ORDER

This Civil Revision Petition has been filed for issuing a direction to dispose of the Application in I.A.No.374 of 2007 in A.S.S.R.No. 3926 of 2007, on the file of the Sub-Court, Kuzhithurai.

2. The learned counsel appearing for the revision petitioner / plaintiff submitted that he has moved an application before the Court below to condone the delay of 6 days in filing the first appeal. However, the said application is pending, till the date of filing of revision petition, though Court notice were served on all the defendants and the same is pending for 12 years.

3. This Court also called for a report from the Court below for the reasons for not disposing the said application by the Court below. On perusal of the report received from the Court below, it is seen that there are 75 defendants in the present partition suit. Therefore, one after another many of the defendants have passed away. Hence, there is a delay in filing an application to implead their Legal Heirs. Therefore, the delay of 12 years had occurred.

4. Considering the above facts and circumstances of the case, this Court directs the learned Subordinate Judge, Kuzhithurai, to dispose of the application within a period of three months from the date of receipt of a copy of this order, and send a compliance report to this Court.

5. Accordingly, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar(CS)

trp
To

The Sub Judge, Kuzhithurai.
Copy to: The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.
(For Watching Report)

+1 cc Mr. C.K.M.APPAJI ,Advocate, SR.No. 85294

C.R.P (MD)No.1141 of 2019

05.09.2019

KK/SAR/24.10.2019/3P-4C/