



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Eighth day of August Two Thousand Nineteen

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PRESENT

The Hon'ble Mr.Justice S.S.SUNDAR

CMP (MD) No.3815 of 2018

IN

CRP No.1125 of 2001

J.MAHESH

... PETITIONER/REVISION PETITIONER

Vs

V.S.RAMASUBRAMANIAN, (DIED)

M.GOVINDAN (CEASED TO BE TRUSTEE),

S.DURAIPANDIAN (DIED)

1.RAMKISHORE

VATHSALA (DIED)

M.AYYAMPERUMAL (DIED)

... 1st RESPONDENT/ 4th RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Condone the delay of 3104 days in filing the petition for setting aside the order of dismissal on 04.09.2009 of the Civil Revision Petition in C.R.P.(MD).NO.1125 of 2001 as against the 4th respondent and thus render justice.

PRAYER IN CRP No.1125 of 2001:

Pleased to allow the above C.R.P. Setting aside the Fair and Decretal orders of the Learned Principal District Judge, Madurai dated 23.03.1998 in I.A.No.46 of 1996 in O.S.No.4 of 1915 and to Order the said I.A. as prayed for appointing the Petitioner as hereditary trustee of Lala Sri Ranga Chathram Charities Trust, Madurai for life and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. M.S.BALASUBRAMANIA IYER, Advocate for the petitioner, the court made the following order:-



Since notice sent to the sole respondent was earlier returned with an endorsement "no such addressee", the petitioner was permitted to take notice by substituted service (paper publication). Accordingly, the petitioner has produced proof of taking substituted service.

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2.This petition is filed to condone the delay of 3104 days in filing the petition to set aside the order of dismissal on 04.09.2009 passed as against the 4th respondent.

3.The petitioner admits that he did not take notice through Court, even though, this Court has ordered notice and hence the civil revision petition was dismissed as against the 4th respondent by order dated 04.09.2017. Challenging the order of dismissal dated 04.09.2009, passed as against the 4th respondent, the present petition is filed to condone the inordinate delay.

4.The delay is not properly explained. However, the reasons that the petitioner did not know about the earlier order of this Court, cannot be neglected. Giving benefit of doubt in favour of the petitioner, this Court is of the view that the petition may be ordered on terms.

5. In the result, this petition is allowed on condition that the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand Only) to the Bubbles Day Care, being run by the Women Lawyers Association, Madurai Bench of Madras High Court, Madurai, within a period of two weeks from the date of receipt of a copy of this order.

sd/-
08/08/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE OFFICER INCHARGE,
THE BUBBLES DAY CARE,
RUN BY THE WOMEN LAWYERS ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP(MD) No.3815 of 2018
IN
CRP No.1125 of 2001
Date :08/08/2019