



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (PD) (MD)No.672 of 2020

and

C.M.P. (MD)No.4549 of 2020

Ganapathi

... Petitioner/Respondent/
Defendant

vs.

Siva Sankarapandian (died)
Hari Balakrishnan

... Respondent/Petitioner
/Proposed 2nd plaintiff

PRAYER: This Civil Revision Petition is filed under Section 227 of the Constitution of India, to set aside the fair and decreetal order dated 06.07.2020 in I.A.No.288 of 2018 in O.S.No.152 of 2014 on the file of the Additional District Munsif Court, Sankarankovil by allowing this Civil Revision Petition.

For Petitioners : Mr.D.Nallathambi
For Respondent : Mr.M.Thirunavukarasu

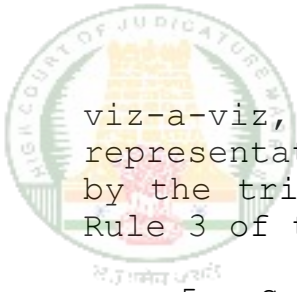
ORDER

The suit is for declaration of title and for other ancillary reliefs. In the suit, the plaintiff has died and the legal representatives were not impleaded in time and the petition was filed to condone the delay of 581 days, for which purpose I.A.No.288 of 2018 is filed. This was allowed by the trial Court. Aggrieved by that, the defendant is before this Court.

2. Heard the learned counsel appearing on either side.

3.The learned counsel appearing for the revision petitioner strongly contended that the list of legal representatives of the deceased plaintiff is incomplete and that has to be considered. In other words he would contend that there are rival claimants, who claim to be the legal representatives of the deceased plaintiff, that this issue has to be decided and the same cannot be decided separately and it may lead to multiplicity of proceedings.

4. This Court finds merit in the submission of the learned counsel. However, turning to the merit of the impugned order, this Court finds that the same does not suffer from any irregularity or impropriety. Therefore, this Court does not want to interfere with the same. However, the revision petitioner is free to canvass his objections / contentions that he has now expressed before this Court



viz-a-viz, the different parties, who claim to be the legal representatives of the deceased plaintiff. This may be considered by the trial Court when it hears the petition filed under Order 22 Rule 3 of the Civil Procedure Code.

5. Subject to the above observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Additional District Munsif Court,
Sankarankovil.

2.The Section Officer, (2 copies)
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.D. NALLATHAMBI, Advocate (SR-23691[F] dated
02/12/2020)

C.R.P. (MD) No. 672 of 2020

01.12.2020

VB (23.12.2020) 2P 5C