



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2020

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P.(MD) No. 962 of 2017 (NPD)

Lourdusamy (died)

1. Nirmala
2. Mary Punithavathi
3. Mothi Veronica Mary
4. Joseph Dominic Sagayan
5. Shanthi
6. Mary Diana Sylvia
7. Jayarani
8. Cecilia ... Petitioners/Petitioners/Proposed Plaintiffs

vs.

1. Krishnamoorthi
2. Premkumar ... Respondents/Respondents/Defendants

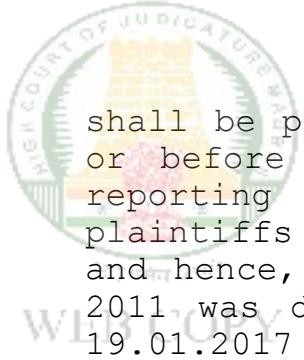
PRAYER: Petition filed under Section 115 of Cr.P.C., to set aside the order made in I.A. No. 316 of 2016 in O.S. No. 412 of 2011 on the file of the 1st Additional District Munsif, Trichy, dated 19.01.2017 and allow this Civil Revision Petition.

For Petitioners : Mr.M. Siddharthan
For R-2 : Mr.S. Ayyanar Prem Kumar

O R D E R

The Civil Revision Petition has been filed to set aside the order made in I.A. No. 316 of 2016 in O.S. No. 412 of 2011 on the file of the I Additional District Munsif, Trichy, dated 19.01.2017 and allow this Civil Revision Petition.

2. The revision petitioners are petitioners/proposed plaintiffs in I.A. No.316 of 2016 in O.S. No. 412 of 2011 and the I.A. No. 316 of 2016 has been filed under Section 5 of the Limitation Act to condone the delay of 1355 days to set aside the abatement caused on the death of the deceased plaintiff and the same was allowed on payment of cost of Rs.1,000/- (Rupees One Thousand Only) and the same



shall be payable by the petitioners to the respondents directly on or before 18.01.2017 and the same was posted on 19.01.2017 for reporting compliance. On 18.01.2017, the petitioners/proposed plaintiffs have failed to comply with the order, dated 18.01.2017 and hence, the petition in I.A. No.316 of 2016 in O.S. No. 412 of 2011 was dismissed on 19.01.2017. Against the said order, dated 19.01.2017 the Civil Revision Petition has been filed.

3. Heard the learned counsel for the revision petitioners and the learned counsel for the second respondent and perused the available records.

4. Eventhough the Civil Revision Petition has been filed to set aside the order made in I.A. No. 316 of 2016 in O.S. No. 412 of 2011 on the file of the I Additional District Munsif, Trichy, dated 19.01.2017, the learned counsel appearing for the revision petitioners submitted that the suit is of the year 2011 and he seeks speedy disposal of the suit in O.S. No. 412 of 2011.

5. On consideration of the pleadings, records and oral submissions, this Court is of the view that the request for expeditious disposal is liable to be acceded to in the interest of justice. No prejudice would be caused to the respondents, if this Court directs the learned I Additional District Munsif, Trichy to dispose the suit in O.S. No.412 of 2011 within a period stipulated by this Court. Hence, this Court is inclined to pass the following Order.

6. In the result,

(i). this Civil Revision Petition No.962 of 2017 is allowed and the order, dated 19.01.2017 in I.A. No. 316 of 2016 in O.S.No.412 of 2011 is hereby confirmed.

(ii). The revision petitioners/petitioners are directed to comply with the order, dated 19.01.2017 in I.A. No.316 of 2016 in O.S.No.412 of 2011.

(iii). The learned I Additional District Munsif, Trichy is directed to dispose the suit in O.S No. 412 of 2011 within a period of three months from the date of copy of receipt of this order. No costs.

Sd/-

Assistant Registrar (A.E)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ksa

<https://hcservices.ecourts.gov.in/hcservices/>



To

The I Additional District Munsif Court,
Trichy.

Copy to: The Court Manager,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Ayyanar Prem Kumar, Advocate, SR.No.25650.

Order made in
C.R.P. (MD) No. 962 of 2017 (NPD)
15.12.2020

CK (CO)
CS (19.01.2021) 3P 4C