

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(NPD)No.3958 of 2008
and M.P.No.1 of 2008

S.Anthony

.... Petitioner

Vs.

1. Attu Muthappa Reddy
2. Velam Govinda Reddy
3. S.Gopal Reddy
4. Rajendran
5. Alamelu Ammal
6. Lakshmi
7. Radha
8. Kumar
9. Mani
10. Krishnamoorthy
11. Chellammal
12. Appavoo
13. Attu Vellakara Reddy
14. Mohan
15. Desappa Reddy
16. Sekhar
17. Velayudha Reddy
18. Ganesa Reddy
19. Velu Reddy
20. Arjuna Reddy
21. Munuswamy Reddy



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22. Kuppammal
 23. Arjuna Reddy
 24. Subramani Reddy @ D.Mani
 25. Dhuttu Subramani Reddy
 26. Ammani Ammal
 27. Attu Chinna Reddy
 28. Chinnappa Reddy
 29. Attu Periasamy Reddy
 30. G.Krishna Reddy
 31. Durai
 32. Meenakshi
 33. P.Vadivelu
 34. Thalapathy K.Vinayakam
Educational Trust,
Represented by its
President and Secretary
Respectively
 35. M.Krishna Reddy
 36. Ma.Su.Dharman
- ... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order made in I.A.No.737 of 2005 in I.A.No.199 of 2004 in Thiruvallurvar O.S.No.178 of 2001 (O.S.No.55 of 1995 on the file of the Subordinate Judge, Kancheepuram) dated 15.12.2006 on the file of the District Munsif, Thirutani.

For Petitioner : Mr.Vasadha Thiagarajan
For Respondents :
For R34 : Mr.S.Karthikeyan
For R2,4,8,9,11 :
15,20,21,26 : No appearance

For R1,3,5,13,
18,22,24,25,
27, 28 & 31 : Died (Steps due)
For R6,7,10,12,
14, 16, 17,19
23, 29,30,
32, 33 : Not ready in notice.

ORDER

This Civil Revision Petition is directed as against the fair and decretal order dated 15.12.2006 passed by the learned District Munsif, Thirutani in I.A.No.737 of 2005 in I.A.No.199 of 2004 in O.S.No.178 of 2001, thereby dismissing the petition filed by the petitioner to rehear the petition in IA.No.199 of 2004.

2. The petitioner is the plaintiff and the respondents are the defendants in O.S.No.178 of 2001. After filing the suit, the petitioner failed to appear before the Court below as such, the suit was dismissed for default on 13.08.2003. Thereafter the petitioner filed an application in I.A.No.199 of 2004 to restore the suit and the said application was also dismissed on 05.11.2004 for default in payment of batta. Again the petitioner filed an application in I.A.No.737 of 2005 to restore the application in I.A.No.199

of 2004. The Court below dismissed the above application for the reason that though some of the respondents died, the petitioner did not take any steps to implead the legal heirs of the deceased respondent. Aggrieved by the said order the present Civil Revision Petition.

3. The learned counsel appearing for the petitioner would submit that the suit is posted for arguments and the legal heirs of the deceased respondents were impleaded as defendants in the main suit.

4. Recording the said submission, this Civil Revision Petition is closed. There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

12.02.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

To

1. The District Munsif,
Thirutani.
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

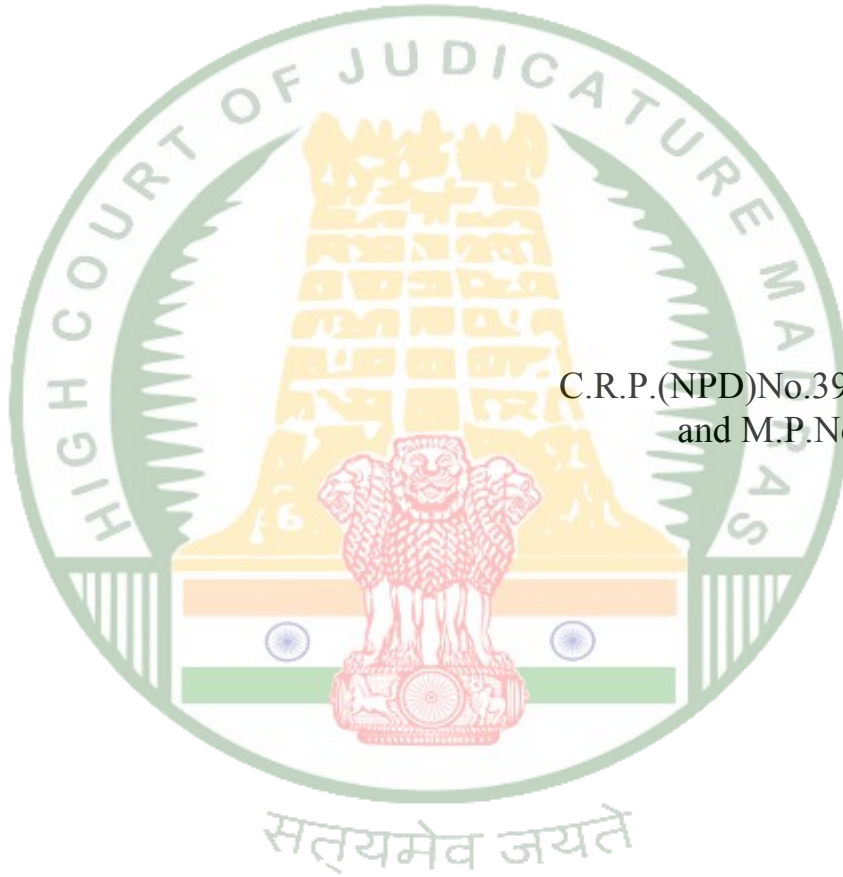


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