

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

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

C.R.P.(PD) No.1458 of 2015

1. Manemegalai
2. Sankar
3. Shanthi
4. Arumugam

... Petitioners

Vs.

1. Pattammal
2. Padmavathi
3. Pusphavathi
4. Seeralan
5. Velveezhi
6. Manojkumar
7. Divya
8. The Village Administrative Officer,  
Ozhapakkam Village,  
Vandavasi Taluk,  
Tiruvanamalai District.

9. The Tahsildar,  
Vandavasi.

10. The District Collector,  
Tiruvanamalai.

... Respondents

**Prayer :-** Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 02.12.2014 passed in I.A.No.29 of 2014 in O.S.No.219 of 2009 by the learned District Munsif cum Judicial Magistrate, Vandavasi, Tiruvannamalai District.

For petitioners : Mr.S.Balasubramaniam  
For Respondents  
For R1 to R3  
& R5 to R7 : Mr.B.Jawahar  
R4 : Died  
For R8 to R10 : Mr.S.Jagannathan  
Government Advocate (CS)

**ORDER**

This revision petition is directed against the fair and decretal order dated 02.12.2014 passed by the learned District Munsif cum Judicial Magistrate, Vandavasi, Tiruvannamalai District, in I.A.No.29 of 2014 in O.S.No.219 of 2009, thereby dismissing the application filed by the petitioners to condone the delay of 816 days in filing the petition to set aside the abatement caused due to the death of the fourth defendant.

2. The petitioners are the plaintiffs. They filed the above suit for declaration and injunction in respect of the suit schedule property. Pending the suit, the fourth defendant died long back. Therefore, the petitioners filed

application to set aside the abatement of the suit along with the condone delay petition. The said application was dismissed on 02.12.2014, for the reason that no sufficient cause has been established by the petitioners herein. The said order has been challenged in this revision petition.

3. The learned counsel appearing for the respondents 1 to 7/defendants 1 to 7 would submit that, while pending this Civil Revision Petition, the suit itself was dismissed for default on 01.11.2016 by the trial Court. Thereafter, the petitioners did not file any petition to restore the same.

4. Considering the above submission, nothing survives in this petition. Therefore, this Civil Revision Petition is dismissed. There shall be no order as to costs.

सत्यमेव जयते

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04.01.2021

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order  
rts

**G.K.ILANTHIRAIYAN, J.**

rts

To

1. The District Munsif  
cum Judicial Magistrate,  
Vandavasi,  
Tiruvannamalai District
2. The Village Administrative Officer,  
Ozhapakkam Village,  
Vandavasi Taluk,  
Tiruvannamalai District.
3. The Tahsildar,  
Vandavasi.
4. The District Collector,  
Tiruvannamalai.
5. The Section Officer,  
V.R. Section,  
High Court, Madras.



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