

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(P.D).No.1933 of 2015
& M.P.No.1 of 2015

Marappan (Died)

1.Muthayal

2.Mayilsamy

... Petitioners

Vs

Chinna Palanisamy Chettiar

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order passed in I.A.No.1256 of 2014 in I.A.No.848 of 2014 in O.S.No.115 of 2013 dated 25.02.2015 on the file of the District Munsif Court, Gobichettipalayam.

For Petitioners : Mr.Shiva Prakash for
Ms.P.T.Rama Devi

For Respondent : Notice served
No appearance

ORDER

The Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.1256 of 2014 in I.A.No.848 of 2014 in O.S.No.115 of 2013 dated 25.02.2015 on the file of the District Munsif

Court, Gobichettipalayam, thereby dismissed the petition filed by the respondent herein to bring the legal representative of the deceased Marappan.

2.The petitioners are defendants 2 and 3 in the suit filed by the respondent herein. Originally the suit was filed for recovery of money as against the sole defendant. Pending suit, the sole defendant died. Thereafter the respondent filed a petition to implead the legal representative of the deceased defendant as defendants 2 and 3 in I.A.No.848 of 2014 and the same was allowed by 09.12.2011. Thereafter the respondent herein found that one more legal heir is left out for the deceased sole defendant. Therefore, the respondent filed another petition in I.A.No.1256 of 2014 to implead the other legal heir as the defendant in the main suit. The said petition was allowed.

3.Aggrieved by the same, defendants 2 and 3 come forward with this Civil Revision Petition, on the ground that without filing an application to set aside the abatement and also delay in filing the petition they filed the petition to implead the legal heirs. It is seen that already the respondent filed the petition under Order 6 Rule 16 and 17 of CPC.

4.Admittedly, the application in I.A.No.848 of 2014 to bring the legal heirs of the deceased Mariappan was allowed. Thereafter the respondent came to note that one more legal heir is there for the deceased sole defendant. Therefore, the trial Court rightly allowed the petition and this Court finds no infirmity or irregularity in the order of the Court below. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

19.01.2021

Index:Yes/No
Internet: Yes/No
Speaking Order: Yes/No
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To
The District Munsif Court, Gobichettipalayam.

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G.K.ILANTHIRAIYAN,J,

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