

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM

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

CRP.NPD.No.4724 of 2015

and

MP.No.1 of 2015

Suresh Chetty,
Rep. by Kala,
No.5, Thendral Nagar Main Road,
No.15, Pillaiyar Koil Street,
Thirumullavoyal, Chennai - 600 062

..Petitioner

Vs.

Thulasiammal (died)
1.S.Vijayakumar
2.S.Vijayalakshmi
3.S.Mohankumar
4.S.Udayakumar
5.Sundaramoorthy
6.S.Saraswathi
7.S.Paranthaman

..Respondents

PRAYER:

The Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure against the order in IA.No.352 of 2014 in OS.No.224 of 2003 on the file of the District Munsif Court at Ambattur.

For Petitioner : M/s.R.Saritha
for Mr.R.Karunakaran

For Respondents : Notice served

ORDER

This Civil Revision Petition is directed as against the order passed in IA.No.352 of 2014 in OS.No.224 of 2003 dated 10.08.2015 on the file of the District Munsif Court at Ambattur thereby allowing the petition to condone the delay in filing the petition to implead the legal heirs of the deceased sole plaintiff.

2. Originally, the suit was filed for declaration and injunction. While pending suit, the sole plaintiff died. It was not brought to the knowledge of the counsel. Thereafter, the legal heirs of the deceased sole plaintiff filed petition to implead them as plaintiffs with the delay of 1320 days in filing the petition. The reason stated in the petition was that due to ignorance they did not bring to notice about the death of the sole plaintiff to the counsel. Therefore, there was a delay of 1320 days. The court below allowed the petition with cost of Rs.1,500/-. Therefore, this Court finds no irregularity or infirmity in the order passed by the court below.

3. Accordingly, this civil revision petition is dismissed. However, considering that the suit is of the year 2003, the trial court is directed to complete the trial within a period of six months from the date of receipt of copy of this Order. Consequently, connected miscellaneous petition is closed. No order as to costs.

27.01.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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To

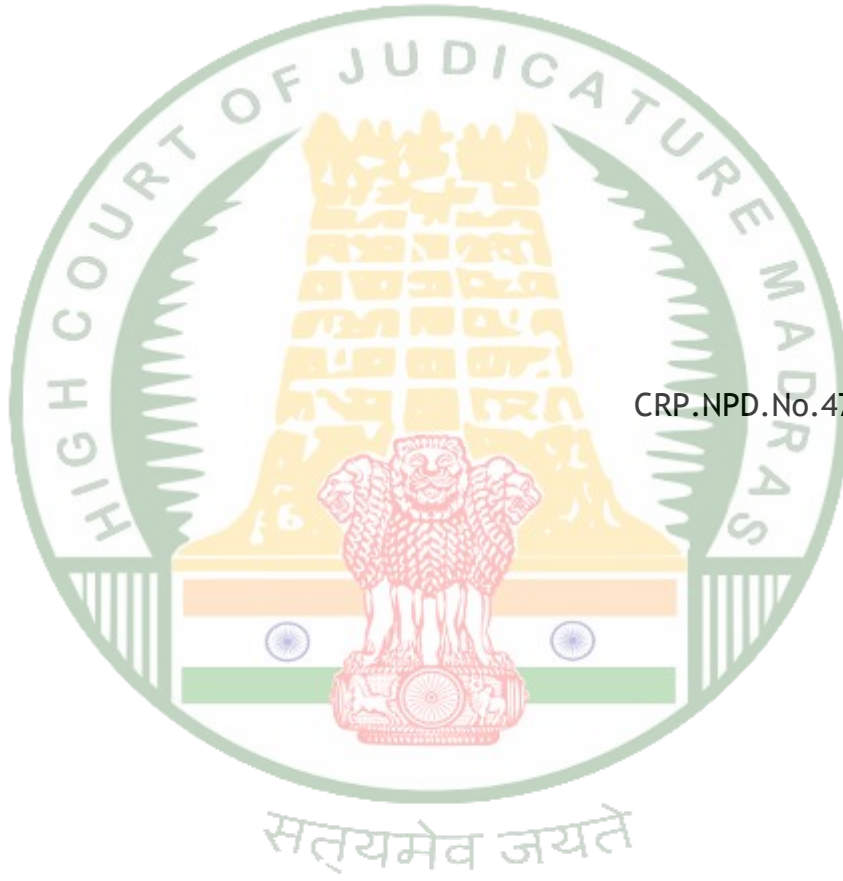
The District Munsif Court
at Ambattur.

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G.K.ILANTHIRAIYAN,J.

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