

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2021

CORAM

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

C.R.P.(PD) No.4296 of 2018 and
CMP.No.23523 of 2018

Samikannu Gramani(died)
Subramaniya Gramani(died)

- 1.Chellammal
- S.Rajendiran(died)
- 2.S.Sankar
- 3.S.Sowndarajan
- 4.S.Janarthanam
- 5.S.Manjula
- 6.S.Lalitha
- 7.S.Susila
- 8.S.Malliga
- 9.S.Chitra
- 10.S.Amutha
- 11.S.Thilagam
- 12.S.Senbagam
- 13.R.Kalavathi
- 14.R.Megala
- 15.R.Sathishkumar

... Petitioners

- 1.V.Gunasekaran
- 2.V.Vadivel
- 3.Suresh
- 4.Renuga
- 5.Durai Gramani

... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair order and decretal order dated 20.08.2018 made in IA.No.447 of 2018 in IA.No.964 of 2017 in OS.No.236 of 2009 on the file of the District Munsif Court, Madurantagam.

For Petitioners : No appearance

For Respondents

For R1 to 5 : Mrs.Reshmi Christy
for Mr.K.V.Sanjeev Kumar

ORDER

This Civil Revision Petition is filed against the fair order and decretal order dated 20.08.2018 passed in IA.No.447 of 2018 in IA.No.964 of 2017 in OS.No.236 of 2009 on the file of the District Munsif Court, Madurantagam, thereby allowing the petition to condone the delay in filing the legal representatives application.

2. The respondents are the plaintiffs. The respondents filed suit for declaration and recovery of possession. While pending the suit, the first defendant died on 13.08.2012 and the second defendant died on 14.04.2015 leaving behind the petitioners herein as legal heirs. Therefore, the

respondents filed petition to implead the petitioners as party to the suit. There was delay of 1734 days in filing the legal representatives application.

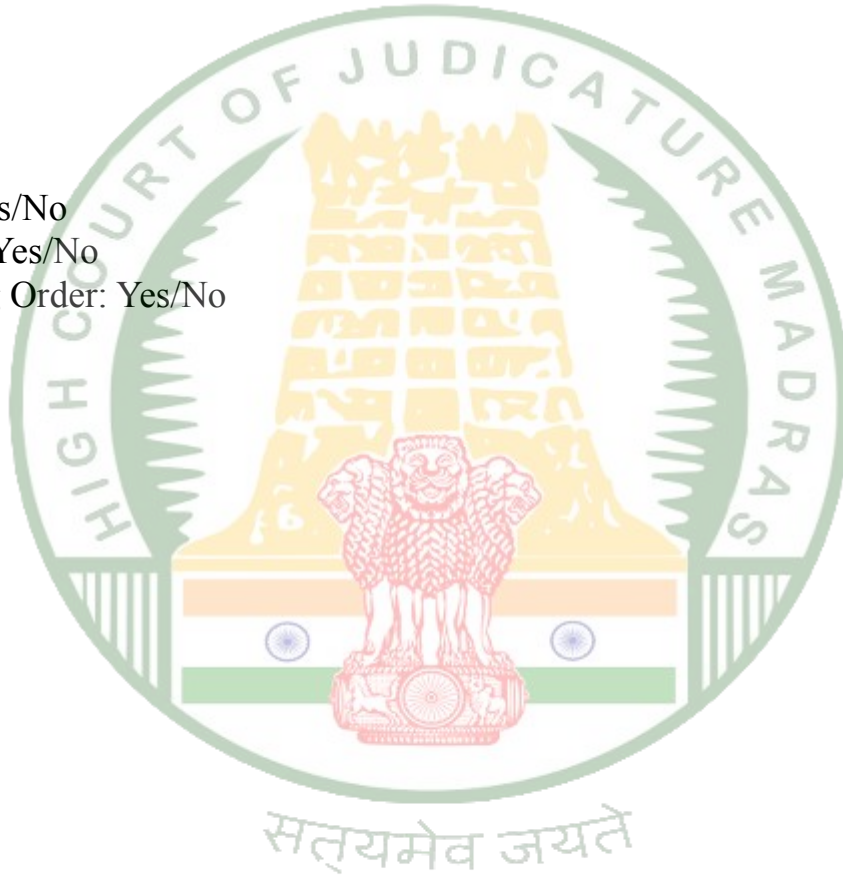
3. On perusal of the affidavit filed in support of the condone delay petition revealed that the respondents were in strained circumstances and as such they could not able to contact their counsel and file legal representatives application in time. That apart, they filed the application to recognise the petitioners as legal heirs of the deceased defendants. Therefore, the court below rightly allowed the petition. However, the court below imposed cost of Rs.1734/- to the Taluk Legal Aid Service Authority. As such, this Court finds no infirmity or illegality in the order passed by the court below.

4. Accordingly, this civil revision petition is dismissed. However, the respondents are directed to jointly pay another sum of Rs.5,000/- (Rupees Five Thousand only) as cost directly to the petitioners within a period of two weeks from the date of receipt of copy of this order, failing which the petition in IA.No.447 of 2018 in IA.No.964 of 2017 in

OS.No.236 of 2009 on the file of the District Munsif Court, Madurantagam shall stand automatically dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

22.07.2021

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Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No



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G.K.ILANTHIRAIYAN,J.

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To

The District Munsif,
Madurantagam.



C.R.P.(PD) No.4296 of 2018

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