



C.R.P. NPD.No.3012 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on	8/3/2022
Pronounced on	8/6/2022

C O R A M

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

C.R.P.NPD.No.3012 of 2008

a n d

M.P.No.1 of 2008

Munirathinam

...

Petitioner

Vs

1. Palani
2. Vani
3. Sathiya
4. Muniammal
5. Chinnakulanthai
6. Santhi
7. Vasanthi
8. Harikrishnan
9. Sridhar

...

Respondents

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the order dated 22/11/2007 passed in I.A.No.172 of 2007 in O.S.No.20 of 1999 on the file of the Court of the District Munsif at Maduranthagam.



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For petitioner	...	Mr.M.Ganesan
For respondents	...	No appearance for R.R.1 to 7 R.8 – Left R.9 - died

ORDER

This Civil Revision Petition has been filed, against the order, dated 22/11/2007, passed in I.A.No.172 of 2007 in O.S.No.20 of 1999, on the file of the District Munsif at Maduranthagam.

2. Brief facts which are necessary for the disposal of this Civil Revision Petition are as follows:-

The petitioner was employed as Driver. The petitioner filed O.S.N0.20 of 1999 to pass a preliminary decree for partition by dividing the suit properties into five equal shares. When the petitioner contacted the counsel during the first week of September 2006, he came to know that the suit was dismissed for default, on 3/2/2004. Immediately, I.A.No.172 of 2006 was filed, under Section 5 of the Limitation Act, to condone the delay of 922 days, in filing the application, under



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Order 9 Rule 9 of the Code of Civil Procedure and to restore the suit.

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3. Heard Mr.M.Ganesan, learned counsel for the petitioner and there is no representation for the respondents 1 to 7 and perused the materials available on record.

4. The learned counsel appearing for the petitioner submitted that the letter sent by the counsel, did not reach the petitioner and since, he was also not doing well, he could not conduct the case. The suit was dismissed for default, on 3/2/2004.

5. Vide order, dated 22/8/2019 and 3/1/2020, it is recorded that ninth and tenth respondent died. Till date, the petitioner has not taken any steps to bring the legal heirs on record. Moreover, it is the duty of the petitioner to know about the status of the case filed by him. He has also not produced medical certificate for the illness, to strengthen his case. It is the bounden duty to explain each and every day delay. Taking into consideration all the above facts, this Court is not inclined to interfere with the order passed by the learned District Munsif,



Maduranthakam.

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J.NISHA BANU, J

mvs.

6. Accordingly, this Civil Revision Petition is dismissed. No costs.

Consequently the connected Miscellaneous Petition is closed.

8/6/2022

Index : Yes/No

Internet : Yes/No

mvs.

To

1. The District Munsif at Maduranthagam.

Pre-delivery order made in
C.R.P.NPD.No.3012 of 2008