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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2022

C O R A M:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.(NPD) No.4338 of 2015

M.S.M.B. Peer Mohamed (dead)
1.Ayeesha Ameena
2.Thameenammal
3.Hajeerammal

represented by their Power of Attorney Agent
V.K.Rahman @ V.Kaleel Rahman

... Petitioner

Vs.

Pailwan Sahib Charities Trust- 1911
Rep. By its Trustees,
F.A.Gafoor ... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code praying to set aside the order dated 23.03.2015 C.M.A.No.60 of 2013 passed by the V Additional Judge City Civil Court, Chennai against I.A.No.16763 of 2009 in O.S.No.6311 of 2004 respectively, passed by the I Assistant Judge, City Civil Court, Chennai dated 01.10.2010.

For Petitioner : No appearance

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O R D E R

The above Civil Revision Petition has been filed to set aside the order dated 23.03.2015 in C.M.A.No. 60 of 2013 passed by the V Additional Judge City Civil Court, Chennai against I.A.No. 16763 of 2009 in O.S.No.6311 of 2004 respectively, passed by the I Assistant Judge, City Civil Court, Chennai dated 01.10.2010.

2. The petitioners herein have filed a suit in O.S.No.6311 of 2004 on the file of the I Additional Judge, City Civil Court, Chennai, for permanent injunction and other relief.

3. It appears that the said suit was dismissed for default and thereafter, the petitioners have filed a petition to restore the said suit along with a petition in I.A.No. 16763 of 2009 under Section 5 of the Limitation Act, to condone the delay of 668 days in filing the petition to restore the suit. The trial Court, upon hearing has dismissed the said petition. As against the same, the petitioners have filed an appeal in CMA.No. 60 of

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2013 before the V Additional Judge, City Civil Court, Chennai. The learned V Additional Judge, City Civil Court, Chennai, has dismissed the said Civil Miscellaneous Appeal on merits. As against the said order, the present Civil Revision Petition has been filed.

4. This Court has raised a query as to how, the petitioners filed the Civil Miscellaneous Appeal against the dismissal of the application which was filed under Section 5 of the Limitation Act. Thereafter, the matter was adjourned to 03.11.2020.

5. On that day, i.e. on 03.11.2020 both side learned counsel appeared and the learned counsel for the respondent submitted that he was informed that the Power of Attorney agent of the petitioners viz., Mr.V.K.Rahman @ V.Kaleel Rahman died and therefore, the learned counsel for the petitioner sought for accommodation to find out whether the letter sent by RPAD to the Power of Attorney Agent of the petitioner viz., Mr.V.K.Rahman @ V.Kaleel Rahman was returned as 'addressee left' and thereafter, he has reported 'no instructions'. Thereafter, Registry was

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directed to delete the name of the learned counsel for the petitioner and print the name of the petitioners in the cause list.

6. Today (15.03.2022), when the matter is taken up for hearing, neither the petitioners appeared in person nor had engaged any counsel to appear on their behalf. It can now be inferred that the petitioners are not interested to prosecute this Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed for non-prosecution. No Costs.

15.03.2022
(2/3)

msv

To
1. The V Addl.Judge City Civil Court, Chennai
2. I Asst.Judge, City Civil Court, Chennai

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J.NISHA BANU,J.

Msv

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(2/3)

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