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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE T.V.TAMILSELVI

CRP.No.1797 of 2019

1. Sumithra

2. Prem Kumar

3. S.Sangeetha

..Petitioners/

Petitioners/Respondents 61, 62 & 64

..Vs..

1. G.Sukumaran

2. Velayutham

3. Devaiyanai

4. Rajeswari

5. Prema

6. Shantha

7. Kumaran

8. Rani

9. Lakshmi

10 Janaki

11. Sarasa

12. Pappammal

13. Kasthuri



14. Manohar

15. Srinivasan

16. Rukmani Ammal

17. R.Krishnasamy

18. Mohan

19. Vijayalakshmi

20. Nandhini

21. Anusya

22. Valluvan

23. Kodiyalagi

24. Lakshmi

25. Arivalagan

26. Karithigayan

27. Muthulakshmi

28. Thirumaran

29. Prithviraj

30. Kumudavalli

31. Thamarai Selvi

32. Veralakshmi

33. Poongazhali

34. Kasthuri



35. Punitha

36. N.Surya

37. Maha

38. Jamuna

39. Bhavani

40. Sivaraman

41. S.Punitha

42. Anand

43. Balparidha

44. Balachandar

45. Duariraj

46. Murthu

47. Kalairasan

48. Ezhilarasan

49. Kalanjiam

50. Muthukumar

..Respondents/Respondent/
Petitioners & Respondents 2, 5, 9, 10, 11,15, 16
to 22, 24 to 48, 50 to 60, 63 to 65

Prayer:- Civil Revision Petition filed under article 115 of CPC against the order and decreetal order of the learned Principal District Munsif Judge, Poonamallee made in I.A.No.156 of 2018 in I.A.No.189 of 2010 in



O.S.No.1597 of 1981 dated 15.11.2018.

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For Petitioner : Mr.B.Dinesh Kumar
For Respondents : Mr.C.Prakasam
for R1 & R14
Mr.G.Rm.Palaniappan
for R4, R18, R21 & R22
Mr.S.Gopinath
for R25 to 33, 47, 49 & 50
R2, R3, R5 to R10 & R13 – unclaimed
R11, 15, 16 & 46 – Vacated
R12 – Insufficient Address
R19 & R34 – No such person
R41 to R43 – Gone Out
NA – 19,20, 23, 24 & 35 to 40 to 44
45, 48 & 51

ORDER

This Revision Petitioners herein are the 61, 62 and 64th respondents in I.A.No.189 of 2019, is a final decree application as per the preliminary decree passed in O.S.No.1597 of 1981.

2.I.A.No.156 of 2018 was filed before the Principal District Munsif Judge, Poonamallee to condone the delay of 353 days in setting aside the exparte order passed in I.A.No.189 of 2010 stating that no notice was served in I.A.No.189 of 2020. I.A.No.189 of 2020 filed to implead the legal heirs of the deceased. The Trial Court took into consideration the facts and circumstances of the case, dismissed I.A.No.156 of 2018 on the ground that the delay was not properly explained. Challenging the said order, this Civil



Revision petition has been filed to set aside the order in I.A.156 of 2018 dated 15.11.2018.

3. The learned counsel for the revision petitioners submitted that the Trial Court without properly appreciated the fact that no notice was served on them, had dismissed the condone delay application and hence, prays for setaside the order passed by the Trial Court.

4. By way of reply affidavit, the learned counsel for respondents 4, 18, 21 and 22 submitted that the petitioners have not appeared and submitted any objection. More over, the preliminary decree was passed on merits and the said decree was not challenged. After passing of the Preliminary decree, one of the respondent died and to implead the legal representatives of the deceased, the said I.A.No.189 of 2010 was filed before the Trial Court and the same was ordered, after hearing both sides and no prejudice had caused to any of the persons. Under such circumstances, without any valid reasons, they have preferred I.A. No.156 of 2018 after the delay of 353 days and the same was rightly dismissed by the Trial court not satisfied with the reasons stated by them. Hence, the Civil Revision Petition is liable to be dismissed.



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6. This Court after carefully perusing the records finds that inspite of several opportunities given to the revision petitioners, they have not raised any objection, more over, I.A.No.189 of 2010 is filed to implead the legal heirs of the deceased respondent, who is a party to the proceedings and necessary parties. Hence, this Civil Revision Petition is dismissed and the order of the Trial Court is confirmed. Since the case is pending from the year 2010, the Trial Court is directed to proceed further with the case and complete the same within a period of six months from the date of receipt of copy of this order.

13.10.2022

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Speaking Order/Non Speaking Order

Index : Yes / No

Internet : Yes / No

To

The Principal District Munsif Judge, Poonamallee



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T.V.THAMILSELVI.,J

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