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C.R.P(PD)Nos.967 & 1013 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

C.R.P(PD)No.967 and 1013 of 2022

G.Udayakumar (died)

1.U.Yamini

D/o. Late.G.Udayakumar

2.U.Shalini

D/o. Late.G.Udayakumar

...Petitioners in both C.R.Ps

Vs.

AG.Govindaraj Mudalilar (Died)

1.Alamelu Ammal

W/o.AG.Govindaraj Mudaliar,

2.G.Rajendran

S/o.AG.Govindaraj Mudaliar,

3.G.Manohar

S/o.AG.Govindaraj Mudaliar,

4.Umarani

W/o. Dr.suresh Babu



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5.Dr.Suresh Babu
S/o.Varadarajamudaliar

6.B.Ramamoorthy (Given up)

7.Dr.K.Priya

D/o.KV.Ragupathy,

...Respondents in both C.R.Ps.

8.U.Latha

W/o.Late.G.Udayakumar,

... 8th Respondent in C.R.P.No.1013/2022

COMMON PRAYER: The Civil Revision Petitions are filed under Article 227 of Constitution of India, to set aside the docket order in unnumbered I.A in O.S.No.39 of 2010 dated 11.03.2022 of return and direct the Learned District Judge to proceed with the suit.

For Petitioners
in both C.R.Ps

:

Mr.D.Ravichander

COMMON ORDER

The legal heirs of the deceased 4th plaintiff wanted themselves to be impleaded as additional plaintiffs in O.S.No.39 of 2010 now pending adjudication before the Additional District Judge cum Fast Track Judge, Vellore. The said applications were returned unnumbered.



2.Learned counsel for the revision petitioners submitted that earlier two applications were taken out by the revision petitioners and that came to be returned for curing some defects. However, they were misplaced and lost irretrievably in the chambers of the counsel for the revision petitioners before the trial Court. This led to the revision petitioners filing fresh applications for impleading them under Order XXII Rule 3. This too came to be returned by the Registry of the trial Court on the ground that the original papers which are now lost were not enclosed along with the present petition. The learned counsel added since the original papers are lost in the office of the advocate concerned, the present applications may have to be treated as fresh applications and clarified that he is not seeking any reconstruction of lost papers, since the papers were lost not in the Court but in the office of the advocate. He also submitted that the limitation may not intervene since the order of the Supreme Court in **Suo Motu Writ Petition (C) No.3 of 2020** has literally stopped the clock running during the pandemic days.

3.This Court finds merit in the submission of the learned counsel appearing for the revision petitioner. This Court is amazed at the logic of requiring the revision petitioners to produce the lost papers to accompany the present



applications. It is simple common sense that if the lost papers could be traced and made available, then there is hardly any need for filing fresh applications.

But, the Registry of the District Court concerned is now requiring the revision petitioners to do the impossible. This Court could not appreciate the way the District Court has approached such an ordinary issue. So far as the issue of the limitation is concerned, this is the aspect which the petitioners are at liberty to canvas before the District Court, if it becomes necessary for him to make statement on the same.

4.In conclusion, these revisions are allowed, The Registry of the concerned District Court is required to number the applications unnumbered I.A. filed by the Revision Petitioners for impleading themselves in that as legal heirs of the deceased 4th plaintiff.

5.The Registry is now required to return the original applications to the revision petitioners herein, who shall now represent the same along with the copy of this order before the Registry of the District Court within a period of 15 days from the date on which they receive the original applications and certified copy of this order whichever is latter.



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6. With the above direction, these Civil Revision Petitions stand allowed at the admission stage itself. No costs.

05.04.2022

Index : Yes/No

kas/dk

Note: Office to Issue order copy on 11.04.2022

To

The Additional District Judge, cum Fast Track Judge,
Vellore.



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N.SESHASAYEE, J.,

kas/d
k

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