



C.R.P. No. 1444 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No. 1444 of 2016

S.Krishnasamy (died)

2 K.Gangarathiam
W/o. S.Krishnasamy

3 K.Balasubramaniam,
S/o. S.Krishnasamy

4 R.Sasikala,
W/o. Ranganathan

5 P.Maheswari,
W/o. Parameswaran

(Petitioners 2 to 5 are brought on record
as LR's of deceased Sole Petitioner
vide court order dated 10.11.2022 in
C.M.P. No. 14892 of 2021 in C.R.P.
No. 1444 of 2016)

... Petitioners

Versus



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1 E.N. Maheswaran,
S/o. Nallimuthu Gounder

2 M.A. Shanmugam,
S/o. Annamalai

3 S. Srirangan
S/o S. Krishnasamy

(R3 brought on record as LR of deceased
Sole Petitioner vide court order dated
10.11.2022 in C.M.P. No. 14892 of 2021
in C.R.P. No. 1444 of 2016)

... Respondents

PRAYER : Civil Revision Petition filed under Sec. 115 of Civil Procedure Code, praying to set aside the order dated 08.12.2015 passed in I.A.No.63 of 2015 in unnumbered O.S.No. of 2015 on the file of learned Principal District Court, Namakkal.

For Petitioners : Mr.D.Shivakumaran

For Respondents : Mr.M.Mariappan for R1 & R2

ORDER

Challenging the impugned order dated 08.12.2015 passed by the trial court in I.A.No.63 of 2015 in unnumbered O.S.No. of 2015 on the file of



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learned Principal District Judge, Namakkal, the plaintiff preferred this Civil Revision Petition.

2. As per the submission of learned counsel for Revision Petitioner is that the trial court not inclined to condone the delay of 1717 days in representing the plaint for the reason that the delay was not sufficiently explained. Challenging the said findings, the plaintiff preferred this Civil Revision Petition.

3. Today, when the matter taken up for hearing, the learned counsel for revision petitioners appeared and submitted that already the property under dispute was sold to the defendants and a suit for the relief of specific performance was filed and the same was taken on file. But, there is a delay in representation. Now, the plaintiffs not interested to proceed with the matter and they want get back the court fee. So, they wanted to restore the suit in order to get the court fee, which he paid. The learned counsel for respondent also not raised objections.



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4. Considering the submissions on the side of Revision Petitioners, the delay of 1717 days in representing the suit is condoned and they are permitted to withdraw the unnumbered suit and also get the court fee before the trial court as per manner known to law. Accordingly, this Civil Revision Petition is disposed of. No costs.

16.11.2022

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
rpp

To

Principal District Judge,
Namakkal.



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T.V.THAMILSELVI, J.

rpp

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