



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.03.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P (MD) .No.646 of 2022

and

C.M.P (MD) No.2630 of 2022

1.S.Mahilaparanam
2.S.Ramalingam
3.Nithyakalyani
4.Ramalakshmi
5.Priyadharshini

...Revision Petitioners/Petitioners
Petitioners/Appellants/Defendants

Vs.

Jamia Mosque Executive Committee
through its present Administrative Officer,
No.30-31, W.G.C.Road,
Thoothukudi District.

... Respondent/Respondent/
Respondent/Respondent/Plaintiff

PRAYER : This Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair order and decreetal order dated 06.01.2022 passed in I.A.No.1 of 2020 in I.A.No.43 of 2019 in A.S.No.1 of 2004 on the file of the Principal District Court, Thoothukudi in O.S.No.163 of 1996 on the file of the Sub Court, Tuticorin and allow the above Civil Revision Petition.

For Petitioners : Mr.D.Senthil
for Mr.P.Banuprasath

For Respondent : Mr.S.Ramesh
for Mr.V.Raghavachari

O R D E R

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 06.01.2022 passed in I.A.No.1 of 2020 in I.A.No.43 of 2019 in A.S.No.1 of 2004 on the file of the Principal District Court, Thoothukudi in O.S.No.163 of 1996 on the file of the Sub Court, Tuticorin and allow the above Civil Revision Petition.



2.I.A.No.1 of 2020 was filed by the revision petitioners/appellants under Section 5 of the Limitation Act, to condone the delay of 4783 days in filing a petition to implead the legal heirs of deceased 2nd petitioner/2nd appellant Ramalingam, which was dismissed by the learned Principal District Judge, Thoothukudi. Aggrieved by the said order, the revision petitioners have filed this Civil Revision Petition.

3.A perusal of records shows that the revision petitioners filed I.A.No.1 of 2020 in I.A.No.43 of 2019 to restore A.S.No.1 of 2004 with the delay of 4783 days in filing LR petition for the death of the second appellant. They have already filed a legal heir petition in C.R.P(MD)No.710 of 2004 and legal heirs were also impleaded. Appeal Suit itself was also dismissed for non prosecution. To restore the same, I.A.No.43 of 2019 filed in time, but it was returned for certain defects. Therefore, it was re-presented with the delay of 949 days. It shows that the revision petitioners wantonly dragged on the proceedings and also proper reasons were not given to condone the delay of 4783 days in filing the impleading petition to bring the legal heirs of the second appellant. Therefore, the Appellate Court has rightly dismissed the said I.A.No.1 of 2020 and this Court finds no valid reason to interfere with the same.

4.In view of the above, this Civil Revision Petition is dismissed. The revision petitioners is at liberty to conduct the appeal with available appellants. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

31/03/2022

Sub Assistant Registrar(CS)

vsd

To

1.The Principal District Court, Thoothukudi

2.The Subordinate Court, Tuticorin.

+1 CC to M/s.P.BANU PRASATH, Advocate SR-14770[F] dated 28/03/2022

C.R.P(MD).No.646 of 2022
and C.M.P(MD)No.2630 of 2022

sp(CO)

TR(31.03.2022) 2P 4C