



C.R.P.No.4410 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 18.12.2023

CORAM :

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.No.4410 of 2023

1.V.Mahalakshmi
2.V.Suganthi
3.V.Kavitha
4.V.Sangeetha
5.V.Manjula

... Petitioners

-VS-

P.Gubendran

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal orders dated 27.04.2023 passed in I.A.No.1 of 2022 in O.S.No.59 of 2009 on the file of the District Munsif, Sriperumbudur.

For petitioners : Mr.T.Thiyagarajan



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ORDER

Challenging the order dated 27.04.2023 passed in I.A.No.1 of 2022 in O.S.No.59 of 2009 by the learned District Munsif, Sriperumbudur, the plaintiffs filed the present revision.

2. Originally the suit in O.S.No.59 of 2009 has been filed for declaration by the petitioners herein against the respondent/defendant. Thereafter, the suit was dismissed for default and restored after filing application to restore the same. Again the said suit was dismissed for default on 24.11.2021 and the petitioners/plaintiffs filed an application in I.A.No.1 of 2022 to condone the delay of 30 days in filing an application to restore the suit. The trial court dismissed I.A.No.1 of 2022, against which the present revision has been filed by the plaintiffs.

3. Learned counsel for the petitioner submits that the plaintiffs are the legal heirs of the deceased Velu claiming declaration in respect of the



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property in the year 2009. The first petitioner/ first plaintiff was a dependent home maker and was unwell and hence, she was not able to appear before the trial court.

4. Heard the submissions made by the learned counsel for the petitioner and perused the materials available on record.

5. Considering the submissions made by the learned counsel for the petitioner, this Court is inclined to condone the delay of 30 days. Accordingly, the findings of the trial court is set aside and I.A.No.1 of 2022 is allowed. The trial court is directed to dispose of the suit as expeditiously as possible as the suit is of the year 2009.

6. With the above directions, this civil revision petition is disposed of.
No costs.

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Index: Yes/No
Internet : Yes/No
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To
The District Munsif, Sriperumbudur.



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T.V.THAMILSELVI, J.,

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