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C.R.P.No.733 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.733 of 2017
and C.M.P.No.3634 of 2017

Seerangayee (Died)

1. Peiyammal

2. Chinnammal

... Petitioners

Vs.

Chinna Irusan (died)

1. Iravanan

2. Muthamilan

3. C.Govindarajan

4. C.Rajendran

... Respondents

Prayer :- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 24.08.2016 passed by the learned District Munsif, Sankari, in I.A.No.510 of 2016 in I.A.No.515 of 2008 in O.S.No.135 of 2004.

For Petitioners : Mr.L.Mouli

For Respondents

For R1 & R2 : Mr.G.Anabaya Chozhan

For R3 & R4 : No appearance



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ORDER

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The Civil Revision Petition has been filed as against the order dated 24.08.2016 passed by the learned District Munsif, Sankari, in I.A.No.510 of 2016 in I.A.No.515 of 2008 in O.S.No.135 of 2004, thereby dismissing the petition to restore the condone delay petition in filing the petition to bring the legal heirs of the deceased first defendant.

2. The petitioners are the plaintiffs and the respondents are the defendants. The petitioners filed suit in O.S.No.135 of 2004 on the file of the District Munsif Court, Sankari, for partition. While pending the suit the first defendant died and the petitioners had taken steps to implead the legal heirs of the first deceased respondent. However, it was dismissed for default as such, the petitioners filed application to restore the petition to implead the legal heirs with the delay of 530 days. The trial Court dismissed the said application and aggrieved by the same the petitioners filed the present Civil Revision Petition.



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3. The learned counsel appearing for the petitioners submitted that the petitioners failed to implead all the legal heirs of the deceased first respondent herein. He further submitted that some of the legal heirs were left out in the implead petition as such, he seeks necessary orders from this Court.

4. Heard Mr.L.Mouli, learned counsel appearing for the petitioner and Mr.G.anabaya Chozhab, learned counsel appearing for the second respondents 1 & 2.

5. It is seen that the petitioners failed to implead all the legal heirs of the deceased first respondent herein. Therefore, no purpose would be served, if the Civil Revision Petition is allowed. However, the petitioners are at liberty to implead all the legal heirs of the deceased first respondent in the manner known to law, if so advised. If any such application filed, the trial Court is directed to pass order on merits and in accordance with law, without insisting any petition to condone the delay in filing the petition to bring the legal heirs.



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WEB COPY 6. Accordingly, the Civil Revision Petition stands dismissed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts



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1. The District Munsif,
Sankari.



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G.K.ILANTHIRAIYAN, J.

rts

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