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C.R.P.Nos. 4889 & 4892 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.Nos. 4889 & 4892 of 2023
and C.M.P.No. 28890 of 2023

1.Gandhimathi
2.Kavitha
3.Revathi
4.Chitra
5.Archana
6.Natarajan

.. Petitioners
in both the CRPs

Vs

1.Pachayammal
2.Ayyammal
3.Anjalai

Ponnan (died)
Sakkarai @ Govindasamy (died)

4.Sampooranam
5.Manimaran
6.Elangovan

.. Respondents
in both the CRPs

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 12.07.2022 made in I.A.Nos.332 & 333 of 2018 respectively in O.S.No.149 of 2004 on the file of the II Additional District Munsif Court, Kallakurichi.

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For Petitioners : Ms. R. Divyapreathika

COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed in I.A.Nos.332 and 333 of 2018 in O.S.No.149 of 2004, the defendants have preferred these revisions.

2. Before the trial Court, the defendants / petitioners herein filed application to examine (DW4), to reopen and to receive documents and the same was allowed with the condition to complete the proceedings on or before 19.07.2022, failing which the petitions will be dismissed automatically. Due to health issue they were not able to comply and the petition was dismissed. Aggrieved that, the defendants preferred the revisions.

3. The learned counsel for the petitioners submit that all the 6 to 11 defendants / the revision petitioners are the impleading parties having valid defence. Due to health issues they were not able to appear. The absence is neither wilful nor wanton, but only due to the said reason. Hence,



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the learned counsel prayed to set aside the findings of the trial Court.

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4. Admittedly, all the revision petitioners are the legal heirs of the second defendant. If opportunity is not given to them, their valuable right to defend the property with the defeated. This Court is inclined to grant one more opportunity. Therefore, the order passed by the trial Court in I.A.Nos.332 & 333 of 2018 respectively in O.S.No.149 of 2004 on the file of the II Additional District Munsif Court, Kallakurichi is set aside.

5. In the result, the Civil Revision Petitions are allowed. Parties are directed to cooperate for the proceedings. The trial Court is directed to dispose of the suit as early as possible since it was filed in the year 2004.

20.12.2023

Index :Yes/No

Neutral Citation :Yes/No

AT

To

The II Additional District Munsif Court, Kallakurichi.

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T.V.THAMILSELVI, J.

AT

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