



C.R.P(MD)No.371 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.371 of 2023

Nagarani

... Petitioner/1st Defendant

Vs.

Murugan (Died)

1.Minniakudi

2.Karthik

3.Ponraja

... Respondents/Legal heirs of Plaintiff

4.N.Gunabalan

5.Velumani

6.Balamurugan

7.Manoharan

... Respondents/Defendants 2 to 5

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the learned District Munsif Court, Theni to dispose of the above suit in O.S.No.3/2021 on his file as expeditiously as possible and within the time fixed by this Court.

For Petitioner : Mr.C.Jeganathan



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ORDER

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The present revision petition has been filed for expeditious disposal of O.S.No.3 of 2021 by the defendant in the said suit.

2. According to the revision petitioner/1st defendant, they have also filed a counter claim and the plaintiffs have filed a reply to the same. However, the sole plaintiff in the suit had passed away and steps have not been taken to implead the legal heirs of the plaintiff and hence, the suit was dismissed as abated. Thereafter, I.A.No.9 of 2022 was filed and the suit was restored on 13.06.2022.

3. Thereafter, for taking steps, the matter is being adjourned from time to time for the past one year. In view of the delay on the part of the plaintiffs, the counter claim filed by the defendant is also been delayed by the Court.

4. According to the learned counsel for the petitioner/1st defendant, the legal heirs of the deceased plaintiffs have already been impleaded and there is a delay on the part of the plaintiffs only in filing the amended plaint copy. In case of any delay on the part of the plaintiffs in



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filing the amended plaint copy, the trial Court is directed to proceed with the counter claim, if the legal heirs of the plaintiff are already impleaded.

5. If the trial Court finds that the plaintiffs are dragging their own suit, the counter claim can be proceeded with by the trial Court, if the legal heirs of the plaintiffs are already impleaded and the counter claim shall be disposed of on or before 31.10.2023.

6. With the above said observations, this Civil Revision Petition stands disposed of. No costs.

15.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

1. The District Munsif Court,
Theni.

2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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