



C.R.P(MD)No.473 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.473 of 2023

S.Caroline (Died)

1.Shanthi

2.Joseph

... Petitioners/Petitioners/
Plaintiffs

Vs.

1.Trichirappalli City Municipal Corporation,
Represented by its Commissioner,
Trichirappalli.

2.The Additional Chief Engineer,
Trichy Electricity Distribution Circle (Metro),
TNEB,
Trichirappalli.

3.P.Ahamed Bashir

... Respondents/Respondents/
Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating to the impugned order dated 04-07-2022 passed in I.A.No.1/2020 in O.S.No.346/2003 on the file of the learned II Additional District Munsif, Trichirappalli and set aside the same by allowing this civil revision petition.



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For Petitioner : Mr.J.Selvam

ORDER

The present revision petition has been filed by the plaintiffs in a suit for permanent injunction and recovery of possession, challenging an order refusing to condone the delay of 1784 days in filing an application to restore the suit.

2. The suit was dismissed for default on 21.01.2015. The application for restoring the suit was filed after a delay of 1784 days. The learned counsel for the petitioner contended that the first plaintiff namely their mother alone was taking care of the suit and after her death, they were not aware of the legal proceedings.

3. It could be seen from the records that the 1st plaintiff namely the mother of the plaintiffs 2 and 3 had passed away on 26.04.2011. Even at the inception of the suit, the plaintiffs 2 and 3 were parties to the suit. The suit was dismissed for default only on 21.01.2015. Therefore, the case of the plaintiffs 2 and 3 that they were not aware of the pendency of the suit or aware of the case details is not acceptable. The trial Court has



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specifically found that the plaintiffs 2 and 3 have not followed up their counsel and they cannot blame their counsel for not intimating about the future date of the case. Hence, I do not find any merits in the present civil revision petition.

4. Therefore, this Civil Revision Petition stands dismissed. No costs.

24.02.2023

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

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To

1.The II Additional District Munsif,
Trichirappalli.

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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