



C.R.P. No. 730 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

C.R.P. No. 730 of 2015

and

C.M.P. Nos. 4469, 4470 & 4471 of 2018 & M.P.No. 1 of 2015

L. Narayanan

... Petitioner

Vs.

Lakshmana Udayan (Died)

- 1.Manjula
- 2.Venugopal
- 3.Vaalambal
- 4.Muruvayai Ammal
- 5.Dhanalakshmi Ammal
- 6.Somu Udayar
- 7.Ethiraj Udayar
- 8.Tamizhmani
- 9.Kaliyaperumal (Died)

- 10.Kannan
- 11.Balasubramanian
- 12.Arumugam
- 13.Pazhanivel
- 14.Shanmugam
- 15.Thangaraj
- 16.Subramanian
- 17.Vaidilingam
- 18.Venkatesan (Died)

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19.Murugesan
20.Shanmugam
21.Saravanan

22.Vaalambal (Died)

23.Jyothyammal
24.Achuda
25.Dhandapani (Died)
26.Chinnapillai
27.Rasakumari
28.Chitra
29.Selvi
30.Jeyaraman
31.Ganesan

... Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 15.12.2014 passed in I.A.No.1065 of 2014 in O.S.No.1216 of 2004 on the file of III Additional District Munsif Court, Kallakurichi.

For Petitioner : Mr. T.S. Baskaran

For Respondents : Mr. Kanitha C.B, for R14

ORDER

The Civil Revision Petition has been filed against the order dated 15.12.2014 in I.A.No.1065 of 2014 in O.S.No.1216 of 2004 on the file of the III Additional District Munsif Court, Kallakurichi.



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2. During the course of hearing, the learned counsel for the respondent No.14 has placed a copy of the order dated 25.09.2023 wherein, the suit in O.S.No.1216 of 2004 was dismissed for default.

3. It is represented by the learned counsel for the petitioner that they have filed restoration petition against the dismissed for default order and it is pending.

4. However, considering the fact that this is the suit of the year 2004 and the present CRP is filed in the year 2015 and the suit in O.S.No.1216 of 2004 was dismissed for default on 25.09.2023 and as per the report received from the Court below, the restoration petition also not filed within the time of limitation prescribed.

5. Under these circumstances, as the suit itself is dismissed, in our view, the Civil Revision Petition can be dismissed as infructuous.



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4. Accordingly, the Civil Revision Petition is dismissed as infructuous.

5. The petitioner is at liberty to avail his legal remedy if suit is restored.

6. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

21.06.2024

Index : Yes / No

Neutral Citation : Yes / No

AT

To

The III Additional District Munsif Court, Kallakurichi.



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BATTU DEVANAND, J.

AT

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