



C.R.P (PD) No.3942 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P (PD) No.3942 of 2022

&

CMP No.20560 of 2022

1. Leelavathi
2. D.Sampath Kumar
3. S.Uma
4. S.Sunilkumar

... Petitioners

Vs

Dr.Girija (Died)

1. R.C.Shekar
2. Parvathi Rajasekar
- R.Prema (Died)
- R.Vanaja (Died)
- 3.R.Sivasankar
- S.Visalaskhi (Died)
- S.Vahini (Died)
4. M.Venkatesh
- 5.G.Nazaar
6. Vishwananthan Guptha
- 7.M.Krishnan

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 09.09.2022 passed in I.A.No.1 of 2021 in O.S.No.18 of 2012 on the file of Principal District Court, Krishnagiri.



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For Petitioner : Mr.K. Venkatasubban

For Respondents : Ms.S.Mathumitha for R1
Mr.B.Bharath Kumar for R2 and R3
R4- No appearance

ORDER

O.S.No.18 of 2012 is a suit for partition on the basis of a partition deed. The suit was filed by one Dr.Girija. She had impleaded all the persons having interest in the property to the said suit. Unfortunately, Dr.Girija passed away. The brother of Dr.Girija, the fourth defendant, filed an application to transpose himself as the plaintiff in the suit. The said application was allowed, against which the present revision.

2. The argument of Mr.K.Venkatasubban is that on the expiry of 150 days, the suit automatically abates and does not require an order of the Court. He would therefore submit that the fourth defendant could not file a transpose application.

3. The proposition of law does not require an authority. The Court only records the abatement that takes place in a suit if steps have not been taken after 150 days from the date of death of a party. However,



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4. In view of the above discussion, this Civil Revision Petition is dismissed. It is made clear that after transposition, the fourth defendant R.C.Shekar shall take steps for the other defendants, who have expired



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and also bring on record legal heirs of plaintiff as respondents in suit lest

the suit risks of being dismissed for partial partition. No costs.

Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No

Neutral Citation : Yes/No

gpa

To

The Principal District Court, Krishnagiri



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V. LAKSHMINARAYANAN, J.

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