



C.R.P(PD)(MD)No.1606 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(PD)(MD)No.1606 of 2024

and

CMP(MD)No.9477 of 2024

Stella @ Maria Puspam

... Petitioner/Petitioner/Plaintiff

vs.

1.Alphonse (Died)

2.Leemal @ Leema Rose

3.Maria John (Died)

4.Irudhaya Mary @ Mary Renjitham

... Respondents/Respondents/Defendants

5.A.Mary Jenital @ Baby

6.A.Anuja @ Anu

7.M.Arul Madhan

8.M.Arul Sudha

9.M.Arul Suba

10.Arul Jegan

11.M.Suhidha

12.M.Arul Dheeban

**... Respondents/Proposed Respondents 5 to 12/
Proposed Defendants 5 to 12**

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the order dated 15.09.2023 in I.A.No.4 of 2022 in O.S.No.13 of 2016 on the file of the Court of the Principal District Munsif, Nagercoil, Kanyakumari District, set aside the same.



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For Petitioner : Mr.S.Xavier Rajini

ORDER

The Civil Revision Petition is filed against the order dated 15.09.2023 made in I.A.No.4 of 2022 in O.S.No.13 of 2016 passed by the learned Principal District Munsif, Nagercoil, Kanyakumari District.

2.The prayer in the said interlocutory application is to implead the legal heirs. The said application was dismissed on two grounds. The trial Court found that the affidavit filed in support of the application did not even contain the material particulars, ie., the date of death of the concerned defendant is also not mentioned. The trial Court held that if only the date of death is mentioned, the trial court can consider whether there is any abatement or not, whether any application for condonation of delay is required or not, and if so, how many days of delay. No exception can be taken in respect of the said findings. The other ground on which the petition is rejected is that the name of the 12th defendant is also erroneously mentioned and it is not corrected. Therefore, when the petition is rejected only on these technical grounds, it will be always open for the petitioner to file a fresh application by giving material particulars as well as the correct



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name.

3.With such liberty given to the petitioner, the Civil Revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

23.07.2024

NCC : Yes / No
sji

To

The Principal District Munsif, Nagercoil, Kanyakumari District.



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D.BHARATHA CHAKRAVARTHY, J.

sjj

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