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C.RP(MD)Nos.2026 to 2028 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**C.R.P(MD)Nos.2026 to 2028 of 2022
and
C.M.P(MD)No.9266 of 2022
in
C.R.P(MD)No.2026 of 2022**

Gurusamy

..Petitioner/Respondent/Respondent
in call cases

Vs.

Sanjeeviammal(died)

- 1.Anitha
- 2.Ramalakshmi
- 3.Seenivasan
- 4.Minor Anusurya
- 5.Minor Akila

..Respondents 1to5/Petitioners2to5
Appellants 2to6 in all cases

Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 21.07.2022 passed in I.A.Nos.10 of 2017, 1 of 2021 and 2 of 2017 in A.S.No.62 of 2007 on the file of the learned Principal Sub-Court, Srivilliputhur.



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For Petitioner :Mr.M.P.Senthil
For Respondents :Mr.R.J.Karthick
(in all cases)

COMMON ORDER

The Civil Revision Petitions are directed against the order dated 21.07.2022, where under the applications for condonation of delay, setting aside the abatement and bringing the legal heirs on record was allowed by the first appellate Court.

2.The Civil Revision petitions are filed on the ground that the delay is enormous. It can be seen that the appeal suit is of the year 2007. However, as on date of the filing of the application, the appeal suit was still pending and even a cross appeal is also pending in Cross.A.No.62 of 2007.

3.In that view of the matter, when the legal heirs are not disputed and when the legal heirs are already brought on record in the cross appeal, on the mere ground of delay, the appellant need not be non suited and therefore, even though the delay is huge, the discretion excised by the first appellate Court need not be interfered with by this Court. Accordingly, the Civil Revision Petitions are dismissed. Since the appeal suit is of the year 2007, the lower appellate Court is requested to dispose of the same as



expeditiously as possible, in any event, not later than four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

15.07.2024

NCC:Yes/No

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To

The Principal Sub-Court,
Srivilliputhur.



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D.BHARATHA CHAKRAVARTHY, J.

Ns

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