



C.R.P.(MD)No.2554 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2554 of 2024

and

C.M.P.(MD)No.14799 of 2024

Saravanan

... Petitioner / 9th Respondent /
9th Respondent / Proposed 9th Respondent

Vs.

Baskaran (Died)

1.Pichaikalai

2.Shanmugasundiram

3.Anitha

4.Ponvijayan

... Respondents 1 to 4 / Petitioners /
/ Proposed Plaintiffs 3 to 6

Krishnamoorthy (Died)

5. Sivasubramanian

6.Somasundharam

... Respondents 5 & 6/Respondents 2 & 3
Respondents 2 & 3/Defendants 2 & 3

Murugesan (Died)

7.Sakthivel

8.Vasanthalakshmi

9.Somasundharam

10.Senthilkumar

11.Sangeetha

12.Sureshkumar



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13.Suganya

14.Chakkaravarthy

15.Shanmugavalli

16.Suhasini

17.Ponmuthupandian

18.Suganthi ... Respondents 7 -18 / Respondents 5 - 8, 9 - 17 /
Respondents 5 - 8, 9 - 17/Proposed Defendants 5-8 9-17

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order in I.A.No.1 of 2023 in I.A.No.1 of 2020 in O.S.No.80 of 2008 on the file of the District Munsif Cum Judicial Magistrate, Singampunari.

For Petitioner : Mr.R.Suriya Narayanan,
For Mr.M.Moorthy.

For Respondents : Mr.V.Sasikumar for R1 to R4

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ORDER

Heard both sides.

2.One Baskaran filed O.S.No.80 of 2008 on the file of the District Munsif Court, Thirupathur for the relief of declaration and permanent



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injunction. The suit suffered dismissal for non-prosecution on 13.08.2010.

Baskaran passed away in the next year. In the year 2013, his legal heirs filed IA for restoration of the suit. In view of the delay, they also filed a petition for condonation. The papers were thereafter transferred to the District Munsif Court, Singampunari. It was eventually numbered as I.A.No.1 of 2020. The IA was allowed on 30.11.2021 on condition that the applicants should pay a sum of Rs.2,500/- on or before 07.12.2021. The applicants failed to deposit or pay the said amount. Later, they filed I.A.No.1 of 2023 for enlargement of time. The said IA was allowed on 02.04.2024. The applicants were directed to pay the cost before the given date. Challenging the same, this civil revision petition came to be filed.

3. There is considerable merit in the contention of the learned counsel for the revision petitioner that the respondents herein are guilty of laches. The delay is quite inordinate. It is also argued that on account of failure to comply with the condition, I.A.No.1 of 2020 had been dismissed and that therefore, the question of enlargement of time does not arise at all.

4. These are technical contentions. If the applicants had been before me seeking indulgence, I would probably have refused to grant relief. But when



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the Court below had exercised indulgence in favour of the respondents, in exercise of jurisdiction under Article 227 of the Constitution of India, I do not want to upset the same.

5.Be that as it may, the cost granted by the Court below appears to be grossly insufficient. It is enhanced to Rs.10,000/-. The respondents are said to have already remitted a sum of Rs.2,500/- as costs. They shall pay the balance amount directly to the petitioner herein on or before 15.12.2024. If the respondents failed to make the said payment, the order impugned in this civil revision petition will stand set aside. If the petitioner refuses to accept the said amount of Rs.7,500/-, the respondents shall deposit the same before the Court below to the account of O.S.No.80 of 2008 within ten days thereafter. Failure on the part of the respondents to adhere this time line will lead to dismissal of I.A.No.1 of 2023 and it will be treated as dismissed.

6.The civil revision petition is disposed of with the aforesaid directions. No costs. Consequently, connected miscellaneous petition is closed.

22.10.2024

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



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To:

The District Munsif Cum
Judicial Magistrate,
Singampunari.



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G.R.SWAMINATHAN, J.

ias

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