



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.10.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.R.P(MD)No. 2639 of 2024

Minor. Yogaraj

A person of unsound mind (represented by his mother]
Kamatchi.

...Petitioner

Vs.

1. Palaniammal
2. Vadivel
3. Sathish
4. Chandra
5. Devi
6. Prabhu
7. Subramanian
8. Suresh
9. Balabaskaran
10. Janaki
11. Subramanian
12. Malarkodi



13. Sumathi

14. Loganathan

15. Ramachandran

16. Sankaran

17. Rajamani

18. Thavamani

19. Jothi

20. Santha

21. Indira

22. Ravichandran

23. Sundarrajan

24. Vembu

25. Koothan

26. Mumtaj

27. Shakila

28. Selvanayagam

29. Dhanabalan

30. Subramaniam

... Respondents

[Since all the respondents remained Exparte before the Court below, Notice to them may be dispensed with]

PRAYER: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the Fair and Decreetal order dated 06.07.2024 made in



I.A.No.01 of 2021 in O.S.No.315 of 2011 on the file of the Sub Court, Thuraiyur, Trichy District and allow this Civil Revision Petition.

For Petitioner : M/s.Sridharan

ORDER

This Civil Revision Petition is filed to set aside the Fair and Decreetal order dated 06.07.2024 made in I.A.No.01 of 2021 in O.S.No.315 of 2011 on the file of the Sub Court, Thuraiyur, Trichy District.

2. The Plaintiff is the Revision petitioner and the Defendants are the Respondents herein. For the sake of convenience, the contesting parties shall be referred to as Plaintiff and Defendants. The petitioner is an unsound person who is represented through his mother.

3. In the aforesaid petition I.A.No.1 of 2021, the Trial Court had issued notice to all the respondents, however all the respondents remained exparte. Therefore, notice is dispensed with in the present Civil Revision Petition.

4. The suit in O.S.No.315 of 2011 was filed for partition and the same was dismissed for default. Thereafter, to restore the suit I.A.No.1 of 2021



was filed under Section 5 of Limitation Act, to condone the delay of 959 days delay in representation. Since it is a delay in representation, this Court is inclined to allow this Civil Revision Petition.

5. Accordingly, the delay is condoned and this Civil Revision Petition is allowed. The Learned Sub Judge, Thuraiyur, is directed to restore the suit in O.S.No.315 of 2011 on file. The Trial Court is directed to consider the suit on merits as per law. No Costs.

24.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- To
1. The Sub Court, Thuraiyur.
 2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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Order made in
C.R.P(MD)No.2639 of 2024

24.10.2024