



C.R.P.Nos.2592, 2609 & 2620 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2025

CORAM

THE HONOURABLE MR. JUSTICE **P.B.BALAJI**

C.R.P.Nos.2592, 2609 & 2620 of 2023

Iyyasamy (died)

1. Periyammal
S/o.Iyyasamy (late)
2. Ravichandran
S/o.Iyyasamy (late)
3. Raghavan
W/o.Iyyasamy (late)
4. Latha
D/o.Iyyasamy (late)

.. Petitioners
in all CRPs

Vs.

1. The Assistant Engineer (O & M)
TNEB, Thirumanur
Ariyalur Taluk & District.
2. The Junior Engineer (O & M)
TNEB, Thirumanur
Ariyalur Taluk & District.
3. Jayanthi
W/o.Azhagesan

.. Respondents in all CRPs



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Civil Revision Petition No.2592 of 2023 filed under Section 115 of the Code of Civil Procedure praying to set aside the fair and decreetal order passed in I.A.No.1 of 2023 in O.S.No.30 of 2009 on the file of the Additional District Munsif, Ariyalur dated 06.04.2023.

Civil Revision Petition No.2609 of 2023 filed under Section 115 of the Code of Civil Procedure praying to set aside the fair and decreetal order passed in I.A.No.2 of 2023 in O.S.No.30 of 2009 on the file of the Additional District Munsif, Ariyalur dated 06.04.2023.

Civil Revision Petition No.2620 of 2023 filed under Section 115 of the Code of Civil Procedure praying to set aside the fair and decreetal order passed in I.A.No.3 of 2023 in O.S.No.30 of 2009 on the file of the Additional District Munsif, Ariyalur dated 06.04.2023.

For Petitioner in all CRPs : Mr.S.Kamadevan

For Respondent in all CRPs : Mr.S.T.Raja
Standing Counsel, for R1 & R2
Mr.P.Vijayakumar
for Mr.M.Rajagopala Krishnan
for R3

COMMON ORDER

Heard Mr.S.Kamadevan, learned counsel on record for the petitioner, Mr.S.T.Raja, learned Standing Counsel for Respondents 1 and 2 and Mr.P.Vijayakumar, learned counsel representing Mr.M.Rajagopala Krishnan, counsel on record for the third respondent.

2. The revision petitioners filed the present revisions



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challenging the dismissal of applications filed by the plaintiffs, who took out the applications to implead themselves on record as plaintiffs in the suit, to condone the delay in setting aside the abatement and to set aside the abatement caused due to the death of the sole plaintiff, all the applications came to be dismissed by the trial Court. The only ground on which the applications were dismissed is that the trial Court noticed that the petitioners had suppressed the death of the sole plaintiff and that it was not brought to the notice of the Court when I.A.No.51 of 2018 was pending and subsequently allowed.

3. The learned counsel for the petitioners states that the revision petitioners were not aware of the pendency of the suit and therefore, there is no necessity for them to inform the learned counsel about the death of the plaintiff, who had conducted the suit, which led to I.A.No.51 of 2018 being allowed on payment of costs. Therefore, I do not find this as the reason to be put against the revision petitioners and deprive them from prosecuting the suit as plaintiffs, in the place of the deceased sole plaintiff.



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4. The learned counsel for the third respondent / contesting

respondent states that the trial Court has rightly noticed that the suit having been dismissed for non-prosecution and an application was taken out to restore the suit filed by the legalheirs of the sole plaintiff and the pending said I.A. he passed away, the same was not brought to the notice of the trial Court and in fact the said application was also allowed on payment of costs which was paid by the learned counsel leading to the restoration of the suit and at that stage, the present applications came to be filed to bring on record the revision petitioners as plaintiffs 2 to 5 in the said suit. Noticing the irregularity, the trial Court has dismissed the applications and therefore, there is no reason to interfere with the order passed by the trial Court and hence, prays for dismissal of the revision petitions.

5. I have considered the submissions of learned counsel on either side. From the submissions of learned Standing Counsel for EB, it seen that he has no serious objections for these revisions being allowed and he leaves it to the discretion of this Court.

6. From the impugned order, it is clear that what weighed in the



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mind of the trial Court is that the suit was originally dismissed for non-prosecution and the application was taken out by the then plaintiff, who was then alive and pending the said application for restoration of the suit, the plaintiff had died. The application was prosecuted further, without bringing it to the notice of the Court that the plaintiff had passed away pending the said IA. However, I do not find that this to be a substantial ground to put against the revision petitioners. It is not uncommon for the counsel, who is representing the parties to proceed with the enquiry in I.A.s and the plaintiffs may not be expected to be present at the time of enquiry in the said IA to restore the suit. Therefore, the counsel, without notice of the death of the plaintiff, has proceeded to conduct enquiry in I.A.No.51 of 2018 and the said application also came to be allowed. It is also seen that the learned counsel has paid the cost on behalf of the plaintiffs and the suit has been restored to file. After the suit was restored to file, the proposed plaintiffs i.e., revision petitioners herein have filed three applications to bring on record them as plaintiffs 2 to 5 and to condone the delay in setting aside the abatement and also to set aside the abatement.

7. I have gone through the affidavit filed by the petitioners in



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the said applications.

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8. On reading of the affidavit, I find that the petitioners are not aware of the dismissal of the suit and also subsequently, it being restored. Therefore, in order to give an opportunity to the legal representatives of the sole plaintiff to prosecute the suit. I am inclined to set aside the orders passed in the I.As. The present Revisions are allowed and orders in I.A.Nos.1, 2 and 3 of 2023 in O.S.No.30 of 2009 on the file of the Additional District Munsif, Ariyalur, are set aside. It is also brought to the notice of this Court that the third respondent was impleaded in the pending suit. The trial Court shall complete the pleadings within a period of six weeks from the date of receipt of a copy of this order and thereafter, issues shall be framed within a period of two weeks. The trial Court shall expedite the trial and the suit shall be disposed of on or before 30.04.2026. There shall be no order as to costs.

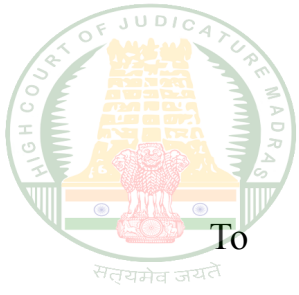
24.09.2025

Index:Yes/No

Neutral Citation:Yes/No

Speaking / Non-speaking order

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To

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The Additional District Munsif,
Additional District Munsif Court,
Ariyalur.



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P.B.BALAJI,J.,

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