



CRP NPD.No.2927 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

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Date : 16.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

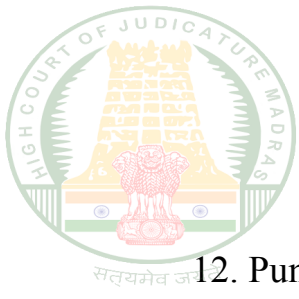
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1. Namasivayam
2. Varalakshmi
3. Thilagavathy
4. Sathya
5. Anjugam
6. Amaravathy

. . . Petitioners

Versus

1. Palanivel
Desigananthan [died]
2. Vasantha
3. Vetrivel
4. Devi
5. Ragupathi
Sivalingam [died]
6. Gnanasekaran
7. Jayakumar
8. Vijaya
9. Yuvamathi
10. Yuvaraj
11. Mangayarkarasi
Amsaveni [died]



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12. Punniyamoorthi

13. Pushparaj

14. Iyyappan

15. Arul

16. Prasanna

Bhuvaneswari [died]

17. Murugan

18. Anjalatchi

. . . Respondents

PRAYER : Petition filed under section 115 Code of Civil Procedure to set aside the fair Order and decreetal Order dated 10.07.2023 passed in I.A.No.442 of 2022 in O.S.No.123 of 2012 on the file of the District Munsif Court, Vanur.

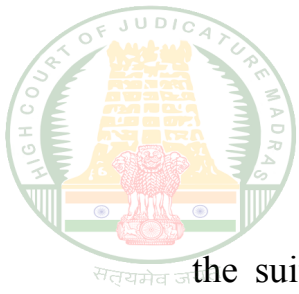
For petitioners : Ms.K.Nithyashree

For respondents : Mr.R.Sankarasubbu – R1

ORDER

Challenge has been made to the dismissal of the application filed to condone the delay of 140 days in filing an application to restore the suit which was dismissed as abated, the present Civil Revision Petition has been filed.

2. The suit in O.S.No.123 of 2012 has been filed by the revision petitioners for declaration and recovery of possession. During the pendency of

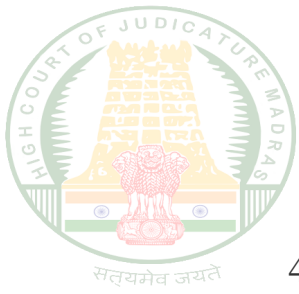


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the suit, the second plaintiff died and as the steps have not been taken to implead the legal heirs of the second plaintiff, the suit has been dismissed as abated. It is the contention of the learned counsel appearing for the petitioners that though the second plaintiff had died on 18.05.2021, they were not able to get the death certificate of the second plaintiff immediately and therefore, they have filed the application to set aside the abatement with a delay of 140 days. As the other plaintiffs are all Senior Citizens and they were not able to contact the counsel to file an application to set aside the abatement, the delay had occurred. It is neither willful nor wanton. The trial Court finding that the reasons assigned in the application are not acceptable, dismissed the application. Challenging the same, the present Civil Revision Petition has been filed.

3. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the first respondent and perused entire materials available on record.



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4. Considering the nature of the dispute between the parties and in order to given an opportunity to the parties, since the suit has been filed for declaration and recovery of possession, though there is lethargic attitude on the part of the petitioner, this Court is inclined to allow this revision petition on condition.

5. Accordingly, this Civil Revision Petition is allowed on condition that the petitioner pays a sum of Rs.5000/- [Rupees five thousand only] to the respondents within the a period of two weeks from the date of receipt of a copy of this Order. Thereafter, the trial Court shall dispose of the suit on merits expeditiously, within a period of six months. No costs.

16.07.2025

Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc

To,
The District Munsif,
Vanur.

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N. SATHISH KUMAR, J.

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