



CMP NO. 1758 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2025

CORAM

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CMP NO. 1758 of 2025 in Rev. Appl. No.5 of 2015

Shrine Basilica Velankanni Church

Rep by Rev.Fr.Irundayara Rector (Formely called as Parish Priest)

Velankanni 611 111, Kilvelur Taluk, Nagapattinam.

Appellant(s)

Vs

T.V.Nataraja Thevar

S/o. Veeraiyan 1/23, Sivan West Street, Velankanni, Kilvelur

Taluk, Nagapattinam Dist.

Respondent(s)

For Appellant(s):

Dr.Xavier Arulraj, Srnior Counsel For Mr.B.Ramkumar

For Respondent(s):

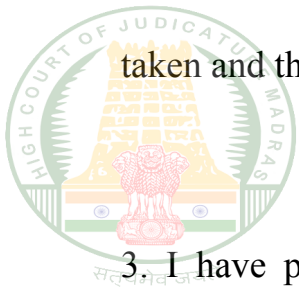
ORDER

This petition has been filed to hold that the Civil Revision Petition in CRP.No.1925 of

2014 stands abated as on 18.11.2014, the date of the Order in Civil Revision Petition.

2. This petition has been filed on the premise that the Civil Revision Petition has been disposed on 18.11.2014, whereas, the revision petitioner has died on 14.10.2014 itself.

Therefore, the Civil Revision Petition ought not have been allowed as the steps have not been



taken and the Civil Revision Petition became abated.

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3. I have perused entire materials available on record. The contention of learned Senior Counsel appearing for the petitioner in this regard has no legs to stand for the simple reason that the Civil Revision Petition was heard on 09.10.2014 itself, much prior to the death of the revision petitioner on 14.10.2014 and the judgment was delivered on 18.10.2014. In such view of the matter no abatement would arise, since the death has occurred after the matter has been heard fully.

4. In this regard, it is relevant to extract Order XXII Rule 6 of Code of Civil Procedure, which reads as follows :

6. No abatement by reason of death after hearing.—Notwithstanding anything contained in the foregoing rules, whether the cause of action survives or not, there shall be no abatement by reason of the death of either party between the conclusion of the hearing and the pronouncing of the judgment, but judgment may in such case be pronounced notwithstanding the death and shall have the same force and effect as if it had been pronounced before the death took place.

In view of the above, there is no merits in this petition.



5. Accordingly, this Civil Miscellaneous Petition is dismissed.

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29-01-2025

vrc

To

1. T.V.Nataraja Thevar

S/o. Veeraiyan 1/23, Sivan West Street, Velankanni, Kilvelur Taluk,
Nagapattinam Dist.



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N.SATHISH



J.

VRC

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