



C.R.P (PD) No.1221, 1223 & 1225 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

C.R.P (PD) Nos. 1221, 1223 & 1225 of 2025

and

C.M.P.No. 7372 of 2025

Nathaikannan (died)

Mahendiran

... Petitioner in all the petitions

VS.

1.Munusamy

2.Perumal

3.K.Ravi

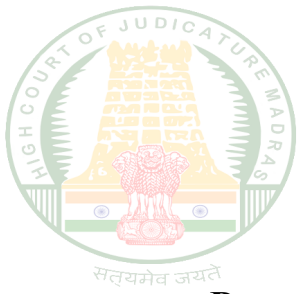
4.Muniyammal

5.Rangammal

6.Idayamalar

... Respondents in all the petitions

1/6



C.R.P (PD) No.1221, 1223 & 1225 of 2025

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Prayer in CRP/1221/2025: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 20.12.2023 made in IA.No.124 of 2023 in OS.No.61 of 2016 on the file of the District Munsif Cum Judicial Magistrate Court, Arcot, Vellore District.

Prayer in CRP/1223/2025: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 20.12.2023 made in IA.No.125 of 2023 in OS.No.61 of 2016 on the file of the District Munsif Cum Judicial Magistrate Court, Arcot, Vellore District.

Prayer in CRP/1225/2025: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 20.12.2023 made in IA.No.126 of 2023 in OS.No.61 of 2016 on the file of the District Munsif Cum Judicial Magistrate Court, Arcot, Vellore District.



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C.R.P (PD) No.1221, 1223 & 1225 of 2025

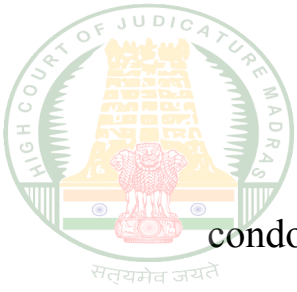
For Petitioner : Mr. C.Harish
(In All Petitions)

For Respondents : Mr. E.Kannadasan
(In All Petitions)

COMMON ORDER

The order impugned clearly demonstrates the total non application of mind on the part of the learned counsel as well as the learned Trial Judge. The subject matter of the revisions are an application to condone the delay of 512 days in setting aside abatement caused due to the death of the 1st plaintiff, setting aside the abatement to bring on record the respondents / petitioners 3 to 6 as the legal heirs of the deceased 1st plaintiff and plaintiffs 3 to 6 in the suit.

2. The 2nd plaintiff Mahendiran is none else than the son of the 1st plaintiff. Therefore, since one of the legal representatives is already a party to the proceedings the question of abatement would not arise. However, the learned counsel has proceeded to file an application for



C.R.P (PD) No.1221, 1223 & 1225 of 2025

condoning the delay in setting aside the abatement as also an application to set aside the abatement. The Court has also considered the same and dismissed the application only on account of the ground of delay. As one of the legal heirs is already a party to the proceedings the death of the 1st plaintiff does not result in abatement. Therefore, the dismissal on the ground of delay in setting aside the abatement does not arise.

3. Accordingly, the civil revision petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

09.04.2025

Index: Yes/No

Internet: yes/No

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C.R.P (PD) No.1221, 1223 & 1225 of 2025

WEB COPY To

The District Munsif Cum Judicial Magistrate Court,
Arcot,
Vellore District.



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P.T. ASHA.J

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