



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.Nos.1100 & 1101 of 2024

& CMP.Nos.5712 & 5716 of 2024

Chinnammal (Died)

1.Saraswathy

2.Sarojini

... Petitioners in both CRPs

VS.

1.Periyasamy Gounder

2.Shanmuga Velayutham

3.Mylsamy

S/o.Periyasamy Gounder

4.Thirumurthy

5.Mylsamy

S/o. Ganapathy Gounder

6.Najappa Gounder

7.S.A.Anbumani

... Respondents in both CRPs

COMMON PRAYER: Civil Revision Petitions have been filed under Article 227 of Constitution of India, to set aside the order and decreetal order passed in I.A.No.2 & 1 of 2019 respectively in O.S.No.409 of 2013 dated 08.08.2025 on the file of the IV Additional District Judge, Coimbatore and allow the civil revision petitions filed by the petitioners.



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(In both CRPs)

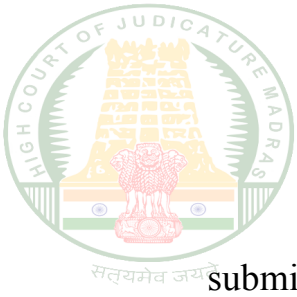
For Petitioners : Mr.K.Magesh

For Respondents : Mr.S.Srinivasan for R1 to R3

COMMON ORDER

These revision petitions have been preferred against the order passed in I.A.Nos.2 & 1 of 2019 respectively in O.S.No.409 of 2013 dated 08.08.2025 on the file of the IV Additional District Judge, Coimbatore for condonation of delay of 1121 days in filing the restoration petition and to set aside the ex-parte order, allowing the Order IX Rule 13 application subject to payment of cost of Rs.1500/- to the District Legal Services Authority, Coimbatore.

2.The grievance of the revision petitioners is that the orders have been passed against the dead person despite the death of the plaintiff having been brought to the notice of the Trial Court by a memo.



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3.The learned counsel appearing for the respondents 1 to 3 fairly submits that error has occasioned before the Trial court and he has no objection for the impugned order being set aside and the matter being remitted to the Trial Court. A direction is given to the Trial Court to proceed with the other pending applications.

4.In view of the fair submission made by the learned counsel for the respondents 1 to 3, the impugned order in I.A.No.2 & 1 of 2019 respectively in O.S.No.409 of 2013 dated 08.08.2025 on the file of the IV Additional District Judge, Coimbatore, are hereby set aside. The learned counsel for the respondents 1 to 3 shall be at liberty to take out an application to amend the cause title in the Interlocutory Applications as well and also prosecute any other pending applications in the manner known to law.

5.With these above observations and directions, these Civil Revision Petitions are allowed. There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

06.06.2025

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P.B. BALAJI,J.

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To

The IV Additional District Judge, Coimbatore.

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