



C.R.P.(MD)Nos. 1351 to 1353 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.07.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.1351 to 1353 of 2022

and

C.M.P.(MD)Nos.5633 to 5635 of 2022

C.R.P.(MD)Nos.1351 and 1352 of 2022

1. Chitravalli

2. Palanisamy

...Petitioners

Vs.

1. Kumarayee

Pappa (Deceased)

2. K. Marimuthu

3. R. Sundaram

...Respondents/ 1-4 Respondents/
1-4 Respondents/Defendants

4. Murugesan

5. Ramu

6. Lakshmi

7. Kaliyammal

...Respondents/5-8 Respondents/
5-8 Pro-Respondents/Pro-Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of



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India, praying to set aside the fair and decreetal order dated 11.11.2021 made in I.A. Nos.11 to 13 of 2020 in I.A. Nos. 118 to 120 of 2019 in O.S. No. 64 of 2010 on the file of learned Additional District Munsif-cum-Judicial Magistrate, Vendasandur and allow the Civil Revision Petitions.

For Petitioner : Mr.L.G.Sarath Inigo (in all CRPs)

For R1 to R7 : No appearance (in all CRPs)

COMMON ORDER

These Civil Revision Petitions have been filed seeking to set aside the fair and decreetal order dated 11.11.2021 made in I.A. Nos.11 to 13 of 2020 in I.A. Nos. 118 to 120 of 2019 in O.S. No. 64 of 2010 on the file of learned Additional District Munsif-cum-Judicial Magistrate, Vendasandur and allow the Civil Revision Petitions.

2. Though the names of the respondents are printed in the cause list, none appeared on their behalf.

3. The petitioners are the plaintiff in the suit in O.S.No.64 of 2010 on the file of the learned Additional District Munisf, Vendasandur, to declare the registered document bearing Document No.3865/2009 dated 23.10.2009 on the file of the Sub-Registrar, Vadamadurai, Dindigul District as null and void. The



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petitioners also sought for a permanent injunction restraining the respondents and their agents from restraining their peaceful possession of the suit schedule property. The respondents 1 and 2 had sold the suit property through the third respondent, who acted as their power of attorney. During the pendency of the suit, the second defendant passed away leaving behind the defendants 5 to 8 as legal heirs. However, the demise of the second defendant was not brought to the notice of the trial Court in time, resulting in the abatement of the suit. Pursuant to the same, the petitioners filed I.A.No.120 of 2019 to implead the respondents 5 to 8 as legal heirs, I.A.No.119 of 2020 to set aside the abatement and I.A.No. 118 of 2019 to condone the delay of 1356 days in taking these steps. These interlocutory applications were allowed by the trial Court subject to payment of Rs.100/- as cost to the respondents on or before 21.11.2019. However, the petitioners failed to comply with the condition due to illness, leading to the dismissal of the applications. Subsequently, the petitioners filed restoration applications on 06.12.2019 in I.A.Nos.11 to 13 of 2020 seeking to restore I.A.Nos.118 to 120 of 2019. These applications were dismissed by the trial Court due to the absence of valid medical evidence to substantiate the claim of illness. Aggrieved by the same, these civil revision petitions have been filed by the petitioner.



4. The learned counsel for the petitioners submitted that the delay was neither willful nor wanton and the non-compliance was due to circumstances beyond their control. He further submitted that the dismissal of the applications by the trial Court on technical grounds has severely caused prejudice to the petitioners and resulted in the denial of an opportunity to contest the matter on merits. Accordingly, the learned counsel for the petitioners prays to allow the civil revision petitions.

5. Heard the learned counsel for the petitioners and perused the materials placed on record.

6. Having considered the submissions and the available materials on record, looking to facts of present case, this Court is of the view that there is no deliberate and intentional delay on the part of the petitioners in complying with the conditional order passed in I.A.Nos.118 to 120 of 2019. The dismissal of restoration applications on technical ground would deprive the opportunity of the petitioners to agitate the matter on merits. Therefore, in the interest of justice and the need to ensure all necessary parties are to be impleaded before the trial Court for a complete adjudication, the petitioners deserve an opportunity to contest the suit on merits. However, taking note of the procedural



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lapse and the delay involved, this Court deems it appropriate to impose costs.

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7. Accordingly, these civil revision petitions are allowed and consequently, the impugned orders passed by the trial Court in I.A.Nos.118 to 120 of 2019, dated 11.11.2021, are hereby set aside. The petitioners are directed to pay Rs.1000/- (Rupees One Thousand only) as costs to **Anbagam, Institution for the Mentally Handicapped Children, Race Course Road, Madurai**. On such payment, the trial Court is directed to proceed with the suit on merits by substituting the abatement. Consequently, the connected miscellaneous petitions are closed.

30.07.2025

Internet: Yes/No
Index: Yes/No
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To

1. The Additional District Munsif-cum-Judicial Magistrate,
Vedasandur.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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