



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)Nos.1603 & 1604 of 2025

and

C.M.P.(MD).No.8274 of 2025

P.Ravi

...Petitioner
in both petitions

Vs.

Athilakshmi (died)

1.M.Karthikeyan

2.Lakshmi

3.Amutha

4.Velvizhi

...Respondents
in both petitions

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of Constitution of India, against the fair and executable order in I.A.Nos.1 and 2 of 2024 in I.A.No.780 and 778 of 2019 in I.A.Nos.137 and 136 of 2017 in I.A.No. 340 of 2015 in O.S.No.147 of 2010 dated 01.03.2025 on the file of the learned District Munsif, Vadipatti.

For Petitioner : Mr.S.Chandrasekaran

In both Petitions

* * * * *



COMMON ORDER

These petitions have been filed seeking to set aside the fair and executable order in I.A.Nos.1 and 2 of 2024 in I.A.No.780 and 778 of 2019 in I.A.Nos.137 and 136 of 2017 in I.A.No.340 of 2015 in O.S.No.147 of 2010 dated 01.03.2025 on the file of the learned District Munsif, Vadipatti.

2. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.

3. Since the petitioner filed these Civil Revision Petitions challenging the interlocutory applications in O.S. No.147 of 2010, the same have been disposed of by a common order.

4. The petitioner filed a suit in O.S.No.147 of 2010 before the learned District Munsif, Vadipatti, against the respondents for declaration of his title and permanent injunction. The main suit was dismissed for default on 01.07.2014, thereby, the petitioner filed I.A.No.340 of 2015 to condone the delay of 200 days in filing the petition to restore the suit. The said petition was dismissed for default on 06.10.2015. The petitioner thereafter filed two applications in I.A.No.136 of 2017 to condone the delay of 502 days in filing the petition to restore the delay condonation Petition in I.A.No.340 of 2015 and I.A.137 of 2017 to restore the delay condonation petition in I.A.No.340 of 2015.



In that petitions, notice sent to the first respondent returned 'Unserved' with an endorsement as "died". Due to delay in filing impleading petition, the petitions in I.A.No.136 and 137 of 2017 were abated against the proposed parties. To set aside the abatement, the petitioner filed I.A.Nos.778 and 780 of 2019 to condone the delay of 1912 days in filing the petition to set aside the abatement against the proposed legal representatives of the deceased first respondent. The learned Judge, after enquiry, has passed the common order dated 01.03.2025 dismissing the said petitions. Aggrieved over the same, the present Civil Revision Petitions came to be filed.

5. The learned counsel appearing for the petitioner would submit that only during the service of notice, the petitioner came to know that the first respondent died leaving behind the second respondent as legal heir. Only on 12.01.2024, during the proceeding of W.P.(MD).No.315 of 2021, the petitioner came to know that I.A.Nos.778 and 780 of 2019 were dismissed for default on 09.11.2021. The petitioner then contacted his counsel and came to know that the case was mistakenly left out in the Advocate diary and the case bundle was also lost by his Clerk during Covid-19 holidays. The counsel did not inform the case details to the senior counsel. He would submit that if the dismissal of the suit is allowed to continue, it would cause irreparable loss and hardship to the petitioner, as no opportunity was given to the petitioner during all these six years. Accordingly, he prays for allowing these petitions.

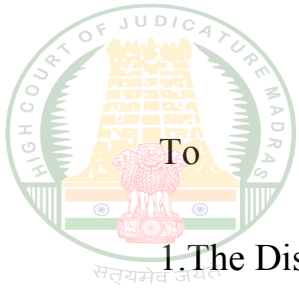


6. The facts in the present case are not in dispute. Admittedly, the petitioner filed O.S. No.147 of 2010 for declaration of his title and permanent injunction. Even before this Court, the title deed was not annexed in the typed set of papers to substantiate his claim of title. Subsequently, the main suit was dismissed for default on 01.07.2014. The petitioner, then, filed Interlocutory Applications, particularly I.A. Nos. 778 and 780 of 2019, which were dismissed for default on 09.11.2021. It appears that the petitioner filed these Interlocutory Applications for restoration and to set aside the condonation petition only to drag on the proceedings. However, the same was not challenged before this Court by way of revision or appeal at the relevant point of time. After a lapse of 15 years and several Interlocutory Applications filed before the trial Court, the present petitions have now been filed. The petitioner has not approached this Court with clean hands. Hence, the orders passed by the learned District Munsif, Vadipatti, does not warrant any interference.

7. Accordingly, these Civil Revision Petitions stand dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

04.06.2025

Internet: Yes/No
Index: Yes/No
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To

1. The District Munsif, Vadipatti, Madurai District.

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2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

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