



WEB COPY

CRP No. 1257 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CRP No. 1257 of 2026

Sivaji
S/o. Ponnusamy,
Melakadu,
Kuruvapulam,
Vedaranyam Taluk,
Nagapattinam District.

..Petitioner(s)

Vs

Vaiyapuri
S/o. Rathinathevar,
Melakadu,
Kuruvapulam,
Vedaranyam Taluk,
Nagapattinam Distric.
Ramalinga Thevar (Died).

..Respondent(s)

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To set aside the dated 07.10.205 in IA No. 3 of 2024 in OS No. 89 of 2020 on the file of the Learned District Munsif Cum Judicial Magistrate, Vedaranyam and to pass such further or other orders as this Honble Court.

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For Petitioner(s): M/s. G.Mageshkumar
D.Nandhini
P.Dinesh Kumar
Kabilan

For Respondent(s): Nagapattinam



Order

- (1) This Civil Revision has been filed against the order dated 07.10.2025, in IA.No.3/2024, in OS.No.89/2020, dismissing the petitioner's application to bring on record, the legal representatives of the deceased 2nd respondent.
- (2) The plaintiff in the suit in OS.No.89/2020, is the petitioner before this Court and the defendants are the respondents.
- (3) The revision petitioner filed the suit in OS.No.89/2020, against the respondents herein, for permanent injunction, restraining them from interfering with his peaceful possession and enjoyment of the suit properties. Pending suit, the 2nd defendant, Ramalinga Thevar, died on 14.08.2021 and a Memo dated 21.12.2022, to that effect was also filed by the respondent. The revision petitioner thereafter filed IA.No.3/2024, to implead the legal representatives of the deceased 2nd defendant, on 29.02.2024. The Trial Court rejected the petition on the ground that even though the petitioner had knowledge of the death of the 2nd defendant through the Memo dated 21.12.2022, without assigning any justifiable reasons for the long delay of two years, the petitioner filed the above IA for bringing the legal representatives on record. The Trial Court further found that the petition to implead the LRs, was filed without a condone delay application. Therefore, on the aforesaid two grounds, the Trial



Court dismissed IA.No.3/2024. Aggrieved by the said dismissal order, the petitioner filed the above Civil Revision Petition for the aforesaid relief.

- (4) Heard the learned counsel for the petitioner and perused the materials placed on record.
- (5) Admittedly, the petitioner acquired knowledge of the death of the 2nd defendant on 14.08.2021, through the Memo of the respondent dated 21.12.2022, itself. As rightly pointed out by the Trial Court, the petitioner has not given any justifiable reasons for the long delay of two years, in filing the petition to bring on record, the LRs of the deceased 2nd defendant, despite knowledge of the 2nd defendant's death as early as on 21.12.2022, through the Memo of the respondent. This Court therefore, finds no illegality or infirmity in the order of the Trial Court.
- (6) However, it is seen that the petitioner on an earlier occasion filed an identical application in IA.No.4/2024, in the same suit and the same was dismissed on 07.02.2024. The petitioner filed a Civil Revision Petition against the dismissal order in IA.No.4/2024, in CRP.No.566/2026. This Court, while dismissing CRP.No.566/2026, by order dated 27.02.2026, clarified that the dismissal of the suit against the 2nd defendant, would not automatically result in the abatement of the entire suit. Therefore, while disposing the present Civil Revision Petition, this Court clarifies that the dismissal of the suit against the 2nd defendant will not preclude the



petitioner from proceeding with the suit as against the 1st defendant, the
1st respondent herein.

(7) With the above clarification, the Civil Revision Petition is **disposed of**.

No costs.

09-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

dsa/AP

To
Vaiyapuri
S/o. Rathinathevar,
Melakadu,
Kuruvapulam,
Vedaranyam Taluk,
Nagapattinam Distric.
Ramalinga Thevar (Died).



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N.MALA J.

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