



WEB COPY

CRP No. 903 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 903 of 2021

Ramasamy(Died)

1. Periyasamy

2. Venkatachalam

3. Alamelu

..Petitioner(s)

Vs

Angamuthu (died)

Kulandaivel (died)

1. Chinnasamy

2. Ramar

3. Periyasamy

4. Palanimuthu

Sornammal (died)

Kulanthaipillai (died)

5. The Collector

Cuddalore District

6. The Tahsildar

Tittagudi Tk, Cuddalore Dist.

Amaravathy (died)

7. Veeramuthu

8. Dhanam

9. Deivanai



10.Minor Mani

Rep. By Mother Amaravathy

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..Respondent(s)

Prayer: Civil Revision Petition filed under Section 115 of C.P.C., praying to set aside the fair and final order dated 07.10.2016 made in IA No.133/2013 in OS.No.433/1996 on the file of the District Munsif-Cum-Judicial Magistrate Tittakudi.

For Petitioner(s):

Mr.P.Kannan Kumar

For Respondent(s):

Mr.M.Murali
Government Advocate
(For RR5 & R6)

No appearance (For RR3 & R4)

RR1, R2, R7 and R8 – Deceased

RR9 & R10 – Served – No appearance

R10 – Minor Mani
Rep. By Mother Amaravathy D/o.Angamuthu
Orangur Village, Tittakudi Tk

ORDER

This Civil Revision Petition has been filed to set aside the fair and final order dated 07.10.2016 made in IA No.133/2013 in OS.No.433/1996 on the file of the District Munsif-Cum-Judicial Magistrate Tittakudi.



2. Heard Mr.P.Kannan Kumar, learned counsel for the petitioner and Mr.M.Murali, learned Government Advocate for respondents 5 and 6.

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3. An application under Order IX Rule 9 of C.P.C., had been treated to be an application to condone the delay in setting aside the abatement by the Court. The petitioner's father, who had instituted the suit, had allowed the suit to be dismissed for default and thereafter had passed away. The knowledge of the suit had come to the petitioners and immediately thereafter they had taken out the application. Apart from the aforesaid reasons, they had also indicated that the petitioner was also employed elsewhere.

4. On the face of the said reasons, the Court below had given a finding that there are no reasons that had been attributed in the affidavit filed in support of the application, without dealing with the merits of the application in its proper perspective.

5. For the aforesaid reasons, the impugned order passed in I.A.No.133 of 2013 in O.S.No.433 of 1996 dated 07.10.2016 stands set aside and the delay stands condoned by allowing I.A. No.133 of 2013 in O.S.No.433 of 1996. As a sequel, the Court below is directed to take on file the application under Order IX Rule 9 of C.P.C., and deal with the same on merits and in accordance with law.



6. Accordingly, this Civil Revision Petition stands allowed. No costs.

Consequently, connected miscellaneous petition is closed.

09-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The District Munsif-Cum-Judicial Magistrate,
Tittakudi.



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K.KUMARESH BABU, J.

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