



WEB COPY

CRP No. 1181 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1181 of 2026

and

CMP.No.5993 of 2026

1. Mohan (Died) 1.Ranjith Kumar
S/o. Mohan, No.6, Indus Block, Pacific
City, Akshaya Homes, Nolambur,
Chennai.

2. Vijaya
W/o.Mohan, No.6, Indus Block, Pacific
City, Akshaya Homes, Nolambur,
Chennai.

Petitioner(s)

Vs

1. Sasitha
W/o. Ramesh, 11, Mettu Street,
Korukki Village and Post, Cheyyar
Taluk, Thiruvannamalai District.

2.Sumathi
W/o. Babu, Plot No. 178/A2, 179A,
KIADB Industrial Area,
Vasanthanarasapuram 1st Phase,
Nagenahalli Post, Lora Hobil, Tumkur
572128

3.Vasumathi
W/o. Baskar, 98D, Ananthapuram
Village, Thakkolam Post, Arakkonam
Taluk, Ranipet District.

Respondent(s)

**PRAYER**

Civil Revision Petition filed under Article 227 of Constitution of India, prays to set aside the order passed in IA No. 2 of 2025 in OS No. 49 of 2024 on the file of the II Additional District and Session Judge, Arakkonam, Ranipet District.

For Petitioner(s): S.V.Udaya Kumar
D.John Samuvel
S.Prabhakar

For Respondent:

ORDER

The revision petitioner has filed this Civil Revision Petition praying to set aside the order passed in I.A. No.2 of 2025 in O.S. No.49 of 2024 on the file of the II Additional District and Sessions Judge, Arakkonam, Ranipet District.

2. Before the trial Court, the plaintiffs filed applications in I.A. No.2 of 2025 under Order XXII Rule 9 of the Code of Civil Procedure to set aside the abatement. The said applications was allowed by the trial Court. Aggrieved by the same, the present Civil Revision Petition has been filed.

3. The learned counsel for the revision petitioners submitted that the first defendant died intestate on 04.03.2023, but the legal heirs were not impleaded immediately. According to the petitioner, the application was filed belatedly with an intention to cause delay in the proceedings. He further contended that without properly considering the objections raised by the petitioners, the trial



Court erroneously allowed the application. Hence, the petitioners prayed to set aside the impugned order.

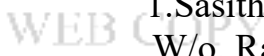
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4. Considering the fact that the suit is one for partition and that the first defendant had died, the plaintiffs have filed applications to set aside the abatement and to implead the legal heirs of the deceased first defendant. With regard to the identity of the legal heirs of the first defendant, there is no dispute. The only issue relates to the delay in filing the applications. Though there is some delay, the reasons assigned by the petitioners are acceptable. Further, considering the nature of the relief sought in the suit, all necessary parties must be given a fair opportunity to participate in the proceedings.

5. Therefore, the order passed by the trial Court does not warrant interference by this Court. **Accordingly, this Civil Revision Petition is dismissed.** Both parties are directed to cooperate for the early disposal of the suit. Connected miscellaneous petition is closed. No costs.

09-03-2026

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

1.Sasitha

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Korukki Village and Post, Cheyyar
Taluk, Thiruvannamalai District.

2.Sumathi

W/o. Babu, Plot No. 178/A2, 179A,
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3.Vasumathi

W/o. Baskar, 98D, Ananthapuram
Village, Thakkolam Post, Arakkonam
Taluk, Ranipet District.

4.The II Additional District and Session Judge, Arakkonam, Ranipet District.

5.The Section Officer, VR Section,
High Court of Madras.



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T.V.THAMILSELVI J.
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