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CRP(MD) NO. 3929 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06-01-2026

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

CRP(MD) No.3929 of 2025

1.Santhakumar

2.Kalairaja

3.Saral

Petitioner(s)

Vs

1.Muniyandi

2.Sargunam(Died)

3.Selvaraj

4.Paulraj

5.Kovilpaillai

Respondent(s)

For Petitioner(s):

Mr.D.Packiaraj

For Respondent(s): Mr.G.Vishnuram

for Mr.K.Veluchamy for R1, R3 and R4

Prayer:

J-35. Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the fair and decretal order in I.A.No.01 of 2024 in O.S.No.55 of 2019 dated 25-03-2024 on the file of District Munsif Cum Judicial Magistrate, Kadaladi and allow this civil revision petition with costs.



ORDER

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This Civil Revision Petition has been filed challenging the dismissal of the trial Court in condoning the delay of 1775 days in impleading the legal heirs of the second defendant as parties to the suit.

2. The revision petitioners are the legal heirs of the second defendant in the suit. There was a delay of 1775 days in filing the application for condonation of delay. While dismissing the application, the trial Court has taken into consideration that both the plaintiffs and the defendants were residing in the same Panchayat, where the second defendant had died on 31.10.2018. The explanation offered by the revision petitioners that they came to know about the death of the second defendant only on 24.07.2023 was found to be unacceptable. The trial Court further observed that no satisfactory explanation was offered for the delay, no supporting documents were produced and no witness was examined to substantiate the cause for the delay. Challenging the said order, the present Civil Revision Petition has been filed.

3. The only point that arises for consideration is whether the explanation given by the revision petitioners for the delay is acceptable. According to the revision petitioners, they were not aware of the death of the second defendant and therefore the factum of death was not brought to their knowledge. It is their case that only on



coming to know about the death of the second defendant on 24.07.2023, they took steps and filed the necessary application.

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4. Issue notice to the respondents returnable by 29.01.2026. Private notice is also permitted.

5. Post the matter on 29.01.2026.

06-01-2026

Indu