



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.01.2015
CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (PD) (MD) No.2702 of 2014
and
M.P. (MD) No.2 of 2014

Vijayalakshmi : Petitioner/1st respondent/Plaintiff

Vs.

1.Darwin Gnanadhas : 1st Respondent/Petitioner/5th defendant

Sivathanulingam (Died)

2.Sugumaran

3.Rajan

4.Ramakrishnan

5.Saraswathi

6.Vijyan

7.Krishnan

8.Manikantan

: Respondents 2 to 8/ Respondents 3 to 9/
Defendants 2 to 4 and 6 to 9

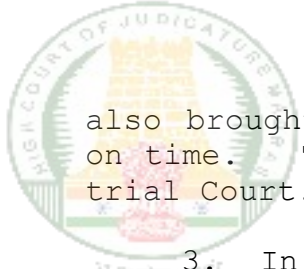
Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India against the fair and decreetal order dated 14.12.2013 passed in I.A.No.870 of 2010 in O.S.No.531 of 2004 on the file of the Principal District Munsif Court, Padmanabhapuram.

For Petitioner : Mr.G.Radhakrishnan
For R-1 : Mr.C.Kishore

ORDER

The above revision is directed against the order condoning the delay of 226 days in filing the application to set aside the ex-parte decree passed against the defendant on 14.10.2009.

2. The said application was allowed by the Principal District Munsif, Padmanabhapuram on payment of Rs.1000/- payable to the respondents on or before 20.12.2013. The trial Judge had elaborately discussed the contentions of both sides and thought it fit to allow the application and awarded cost of Rs.1000/-. No doubt it is axiomatic that condone delay is a matter of discretion of the Court. Length of delay is no matter, only explanation offered and acceptability of the same is the criteria. Even if the delay is short, if the explanation offered is unacceptable, the Court would not condone the same. In this case, it is found by the trial Judge that there was a lapse on the part of the Advocate and therefore, had exercised the discretion to condone the delay as the client should not be jeopardized by the act of the counsel. It is



also brought to the notice that the conditional order was complied with on time. Therefore, there is no reason to interfere in the order of the trial Court.

3. In the result, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is also dismissed. No costs. However, the Suit O.S.No.531 of 2004 on the file of the learned Principal District Munsif, Padmanabhapuram, has been pending now for more than a decade. Therefore, it is directed that the suit should be disposed of on or before 30.04.2015 on merits and as per law and report compliance to this Court.

Sd/-

Assistant Registrar(CO)

\\True copy\\

Sub Assistant Registrar

To

The Principal District Munsif,
Padmanabhapuram.

+1 CC TO M/S.C.KISHORE, ADVOCATE S.NO.2660

+1 CC TO M/S.E.K.JOHN VICTOR ELLIS

Order made in
C.R.P. (PD) (MD) No.2702 of 2014
21.01.2015

PM

NA/14/02/2015/P2/4C