

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

**C.R.P.(P.D.) No.2990 of 2016 and**  
**C.M.P.No.15098 of 2016**

Pandurangam

...Petitioner

versus

1.D.Malar

2.K.Pachiammal

...Respondents

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 12.02.2016 passed by the Principal Sub-Court, Tiruvannamalai made in I.A.No.57 of 2012 in C.M.A.No.Nil of 2012.

For Petitioner : Mr.B.Jawahar

For Respondents : Dr.R.Gowri

**ORDER**

The petitioner filed an appeal challenging the order dated 25 April 2011 in I.A.No.306 of 2009 before the Principal Sub-Court, Tiruvannamalai, with a request to condone the delay of 379 days. The application was dismissed by the First Appellate Court on the ground that sufficient reasons were not furnished by the petitioner and he

deliberately concealed certain material facts. The said order is under challenge in this Civil Revision Petition.

2. Heard the learned Counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

3. The Trial Court closed the application filed by the petitioner for injunction on the ground that the suit is ripe for trial. I am not in a position to agree with the reasoning given by the learned Trial Judge for closing the application in I.A.No.306 of 2009.

4. The petitioner thereafter filed appeal before the Appellate Court. The First Appellate court dismissed the application for condoning the delay on the ground that the petitioner concealed the factum of his detention, in his affidavit filed in support of the miscellaneous application, and as such, he is not entitled to an equitable order. The learned Appellate Judge was expected to consider as to whether the reasons given by the petitioner for condoning the delay is tenable so as to enable the court to exercise the discretion in his favour.

5. The question now is as to whether the order passed by the learned Appellate Judge is liable to be set aside.

6. The suit is of the year 2009. There is no purpose in relegating the parties to the First Appellate Court at this point of time.

7. After hearing the learned counsel for the parties and taking into account the background facts, I deem it fit and proper to direct the learned District Munsif, Chengam to dispose of the suit as expeditiously as possible, and in any case, on or before 30 January 2017 and report compliance to this Court.

8. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

**17.11.2016**

Index:Yes/No

svki

**K.K.SASIDHARAN, J.**

(svki)

To

- 1.The District Munsif Court, Chengam
- 2.The Principal Sub-Court, Tiruvannamalai

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