



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 10.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.672 of 2016 (PD)

and

C.M.P. (MD) .No.3138 of 2016

Easwaramoorthy

.. Petitioner/1st Respondent /
1st Defendant

Vs.

1.M.Thangavel

..Respondent-1/Plaintiff

2.Dhanabakkiyam

3.Mahalakshmi

4.Vijayan

5.Kalilur Rahman Shanawaz

6.P.Vadivel

7.M.Suresh

8.Watson

..Respondents 2to8/Respondents 2to8
/ Respondents 2to8

Prayer: Petition filed under Article 227 of the Constitution of India, against the order dated 09.02.2016 made in I.A.No.559 of 2014 in O.S.No.96 of 2009 passed by the learned I Additional District Judge(PCR), Tiruchirapalli.

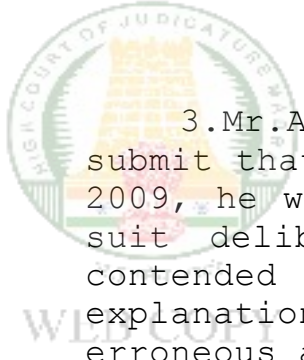
For Petitioner : Mr.AL.Kannan

For Respondents : No appearance

ORDER

This revision is directed against the order dated 09.02.2016 passed in I.A.No.559 of 2014 in O.S.No.96 of 2009 by the learned I Additional District Judge(PCR), Tiruchirapalli.

2.The first respondent as plaintiff instituted a suit in O.S.No.96 of 2009, against the petitioner and 7 others, before the I Additional District Judge (PCR), Tiruchirapalli, for specific performance based on the agreement dated 06.09.2007. Thereafter, the suit was posted on 01.08.2013, due to the non-appearance of the plaintiff, the suit came to be dismissed for non-prosecution on 01.08.2013. The petitioner filed I.A.No.559 of 2014 to condone the delay of 279 days in filing the application to restore the suit. Despite objection by the petitioner, the delay was condoned. ~~On the basis of the above said order, the present revision has been filed.~~



3.Mr.AL.Kannan, learned counsel for the petitioner would submit that though the first respondent filed the suit in the year 2009, he was not interested to prosecute the suit and he left the suit deliberately for dismissal on 01.08.2013. It is further contended that the petitioner has not given an acceptable explanation for condoning the delay, but the trial Court on an erroneous approach, allowed the application.

4.It is not in dispute that the suit is filed for specific performance. The trial Court having found that the plaintiff has shown sufficient cause, condoned the delay on payment of cost of Rs.2,000/-. It is settled law that with the discretion exercised by the trial Court, in condonation of delay, the appellate Court shall not interfere, unless it is perverse. In this case, I do not find any illegality or perversity in the order impugned in this revision.

In the result, the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To
The I Additional District Judge(PCR),
Tiruchirapalli.

SH:KBM:20.06.2016:2P/2C

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