

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17.04.2017**

CORAM:

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

C.R.P.(P.D.) No.3427 of 2014

P.Shanmugasundaram (died)

1.Vijayalakshmi

2.Minor Suganraj

3.Minor Kavia

4. Karuppathal

: Petitioners

versus

1.K.Nachimuthu

2.M.Rangasamy

: Respondents

PRAYER: Revision filed against the order dated 9.6.2014, in I.A.No.1932 of 2013 in AS CFR No.30849 of 2010 on the file of the Principal District Judge, Coimbatore.

For petitioners :: Mr.S.Mukunth

For respondents :: Mr.V.Anandha Murthy, for R-1

ORDER

This civil revision petition is directed against the order dated 9 June 2014 in I.A.No.1932 of 2013, condoning the delay of 382 days in filing the appeal against the Judgment and Decree in O.S.No.701 of 1999 on the file of the Subordinate Court, Tiruppur.

2. Heard the learned counsel for the petitioners and the learned counsel for the first respondent.

3. The deceased first petitioner filed a suit in O.S.No.701 of 1999 before the Subordinate Court, Tiruppur, seeking the relief of specific performance. The suit was decreed ex-parte. The first respondent who was arrayed as first defendant in the suit, filed an appeal before the Principal District Judge, Coimbatore, along with an application in I.A.No.1932 of 2013 to condone the delay.

4. The first respondent contended that he was staying at Kerala and taking treatment for jaundice. The said case projected by the first respondent was found acceptable by the learned District Judge, resulting in condoning the delay.

5. The learned Trial Judge exercised the discretion of condoning the delay of 382 days in filing the appeal. It is not for this Court to analyse the reasons once again for the purpose of taking a different view in the matter. I am therefore of the view that there is no case made out to interfere with the order passed by the learned Trial Judge.

6. In the upshot, I dismiss the civil revision petition. No costs. Consequently, M.P.No.1 of 2014 is also dismissed.

17.04.2017

Index:Yes/no
tar

To
The Principal District Judge, Coimbatore.

K.K.SASIDHARAN, J.

(tar)

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