

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2017

CORAM

THE HON'BLE DR.JUSTICE P.DEVADASS

C.R.P.No.2427 of 2011

1.Veeramuthu
2.Velayutham
3.Pazhani
4.Vetrivel. Petitioners/Appellant

Vs.

Perumal (Died)
1.Subramanian
2.Dhanabaggiam Ammal (Died)
...Respondents/Respondents

This Civil revision is filed under Section 115 of the Civil Procedure Code against the order, dated 17.11.2009 passed in I.A.No.289 of 2009 in I.A.No.104 of 2008 in A.S.No. of 2008 (unnumbered) on the file of the Principal District Judge, Villupuram District, Villupuram.

For Petitioners : Mr.A.Thamizharasan

For Respondents : No Appearance for R1

O R D E R

The petitioners are the plaintiffs in the suit in O.S.No.169 of 1991 on the file of the learned District Munsif Court, Thirukkkoilur, Villupuram district. They filed the suit for declaration and for permanent injunction with respect to a property measuring 18x65 sq.ft The defendants filed written statement resisting the suit. After trial, the suit was dismissed, thereafter, the plaintiffs have preferred an appeal. The appeal was received in the District Court, Villupuram as unnumbered A.S. certain defects were pointed out in the appeal memorandum and it was returned for re-presentation. It was re-presented after a delay of 15 days with I.A.No. 289 of 2008 to condone the delay. The learned Principal District Judge, while disposing of I.A.No.289/2008, digging the past.

2. In these kind of matters the Court could have been liberal. The Court must realise the situation that returns are made by the numbering section and it have to be rectified. This kind of rectification work is to be done by the concerned lawyer. It will be lawyer's mistake. For that a litigant should not suffer. In this matter the Court can be little bit generous. It need not be too stingy. This 15 days delay is a small matter. For this the petitioners have to come up all the way to the High Court and it is also being pending since 2011, more particularly, both sides are neighbours. They are not in talking terms. It is all because of the litigation. Today, they will fight, tomorrow their children will fight and later their grandchildren will fight and the fight will go on. If effective step has been taken to end this litigation, it will result in promotion of peace.

3. In view of the above, I am inclined to show indulgence to the revision petitioners.

4. Orders as under:-

- (1). This Civil Revision Petition is allowed.
- (2). The order passed in I.A.289 of 2009 is set aside.
- (3). I.A.No.289 of 2009 is stand allowed.
- (4). The learned Principal District Judge, Villupuram is directed to process the unnumbered AS and number the appeal memorandum if it is otherwise in order and proceed further according to law.

5. Consequently connected miscellaneous petition is also closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

dpq

Copy to

The Principal District Judge,
Villupuram.

+1cc to Mr.A.Thamizharasan,Advocate sr.15995

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rs1(co)

ss(12/4/2017)

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