

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.P.D.No.681 and 682 of 2017
and C.M.P.No.3460 of 2017

1. R.Thiruvengadam
2. R.Papanasam

.. Petitioners in both C.R.Ps

-Vs.-

R.Ramasamy

.. Respondent in both C.R.Ps

Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and decretal order dated 19.01.2017 in I.A.Nos.22 and 23 of 2016 respectively in unnumbered C.M.A on the file of the Principal Sub Judge, Cuddalore.

For petitioners ... Mr.N.Suresh
in both C.R.Ps

O R D E R

These revisions are filed against the order dismissing the applications filed under Section 5 of the Limitation Act, to condone the delay of 165 days in preferring the Civil Miscellaneous Appeals.

2. In a suit for declaration of title and permanent injunction, the plaintiffs had taken out an application in I.A.No.689 of 2015 for interim injunction. The defendant also had taken out an application for interim injunction in I.A.No.868 of 2015. This Court while dismissing I.A.No.689 of 2015 has allowed I.A.No.868 of 2015, by a common order dated 16.03.2016. Against the said orders, the petitioners herein had preferred Civil Miscellaneous Appeals, however with a delay. The delay applications were numbered as I.A.No.22 and 23 of 2016. The said applications were dismissed by the Principal Sub Judge, Cuddalore stating that there is no explanation on the part of the petitioners for the delay except the alleged fact that the petitioners fell sick for one month for which also there is no documentary evidence. As the appeals themselves are only against the order of interim injunction, the learned Judge felt that the delay is deliberate on the part of the petitioners and dismissed those applications. Aggrieved by the same, the above revisions are filed.

3. It is stated that in the mean while, for the disobedience of the order passed on 16.03.2016, the defendant had taken out an application in I.A.No.684 of 2016 for police protection. I.A.No.783 of

2016 is filed for Contempt of Court. Both the applications are also said to be pending. As the learned Sub Judge has found that there is no *bonafides* in the delay applications, rightly dismissed the same. The filing of two applications one for police protection and another for Contempt of Court would only go to show the attitude of the revision petitioners coupled with the fact that they have deliberately preferred the appeals with delay. Therefore, the petitioners cannot have any indulgence from this Court. However, considering the fact that the suit is of the year 2015, this Court is inclined to give a direction to the learned Principal Judge, Cuddalore to dispose of the suit in O.S.No.216 of 2015 itself on or before 31.10.2017.

4. Accordingly, the learned Principal Judge, Cuddalore is directed to dispose of the suit in O.S.No.216 of 2015 on or before 31.10.2017.

5. With the above said observation and direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.03.2017

srn

PUSHPA SATHYANARAYANA.J

srn

To

The Judge,
Family Court, Cuddalore

C.R.P.P.D.No.681 and 682 of 2017

and C.M.P.No.3460 of 2017