



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.10.2017
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P (NPD) (MD) No.1819 of 2017

V.Muthaiah

... Revision Petitioner/
3rd Defendant

Vs.

1.M.Narayanan

2.K.Valarmathy

3.M.Nagarani

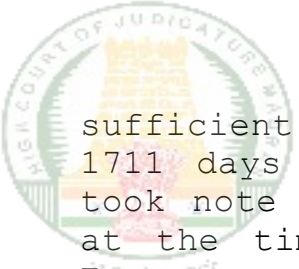
... Respondents/Plaintiff/
Defendant 1 & 2

PRAYER : Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure against the fair and decretal order dated 17.04.2017 passed in I.A.No.9 of 2016 in Unfiled A.S. by the Subordinate Court, Virudhunagar.(O.S.No. 67 of 2009 on the file of the court of the Principal District Munsif, Virudhunagar)

For Petitioner : Mr.A.John Xavier

ORDER

The revision petitioner herein is the third defendant in O.S.No.67 of 2009 on the file of the Principal District Munsif Court, Virudhunagar. The said suit was filed by the first respondent herein. The suit was for partition. The case set out in the plaint is that the suit property jointly belonged to the first respondent herein and his wife Kaliammal. The said Kaliammal had sold the entire property by suppressing the rights and title, which the first respondent herein had in the property. Therefore, the first respondent initiated the said suit proceedings for partitioning the property into two equal portions and for handing over one share to him. Preliminary decree was passed as early as on 16.08.2010. Subsequently, final decree proceedings had also commenced. It is seen that the revision petitioner herein took part in the final decree proceedings through a counsel. Thereafter, the revision petitioner filed an appeal, questioning the said preliminary decree. There was a delay of 1711 days in filing the appeal. The revision petitioner has chosen to put the blame on his earlier counsel.



sufficient cause has been set out for explaining the said delay of 1711 days in preferring the appeal. The first appellate Court took note of the fact that final decree proceedings were pending at the time of filing of the said delay condonation petition. Even on merits, the revision petitioner does not have a case. His vendor Kaliammal had only 50% share. Therefore, no purpose will be served by permitting the revision petitioner herein to contest the matter on merits. The matter has already been delayed sufficiently. The revision petitioner simply wants to protract further. The first appellate Court rightly dismissed I.A.No.9 of 2016 filed by the revision petitioner herein. There is absolutely no merit in this Civil Revision Petition. This Court concurs with the reasons assigned by the first appellate Court for dismissing the condone delay petition filed by the revision petitioner herein. Therefore, the Civil Revision Petition stands dismissed.

Sd/-
Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To

1. The Subordinate Juadge,
Virudhunagar.
2. The Principal District Munsif,
Virudhunagar.

+ 1 CC TO MR.A.John Xavier, ADVOCATE IN SR No.84480
smn
MK/MR KKR/SAR-1/06.11.2017/2P/4C

**ORDER MADE IN
C.R.P (NPD) (MD) No.1819 of 2017
27.10.2017**