

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.06.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(NPD). No.1515 of 2018
and C.M.P.No.8950 of 2018

1. Arukkani
2. Sasikumar

.... Petitioners

Vs.

G.Loganathan

... Respondent

Prayer: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, praying to set aside the fair and decreetal order dated 10.03.2015 made in I.A.No.68 of 2014 in Un.No.A.S.of 2014 on the file of the learned Principal Sessions Judge, Namakkal and consequently direct the Court below to take the appeal on file for adjudication.

For Petitioners : Mr.S.Viswanathan

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ORDER

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The relief sought for in this revision petition is to set aside the fair and decreetal order dated 10.03.2015 made in I.A.No.68 of 2014 in Un.No.A.S.of 2014 on the file of the learned Principal Sessions Judge, Namakkal.

2. The respondent /plaintiff filed the suit in O.S.No.360 of 2008 before the learned Subordinate Judge, Thiruchengode, for partition. The suit was decreed on 07.09.2012. Against which the revision petitioners/defendants filed an appeal in unnumbered A.S.of 2014 before the learned Principal District Judge, Namakkal. Subsequently, the revision petitioner filed an application in I.A.No. 68 of 2014 in unnumbered A.S.No. of 2014 in O.S.No.360 of 2008 before the learned Principal District Judge, Namakkal for condoning the delay of 569 days in filing the appeal.

3. After hearing both sides, the learned trial Judge dismissed the application by an order dated 10.03.2015 in I.A.No. 68 of 2014 in unnumbered A.S. of 2014 in O.S.No.360 of 2008.

4. Aggrieved against the said order dated 10.03.2015, the revision petitioners are before this court by way of Revision petition.

5. Heard the learned counsel for the petitioners and perused the available records.

6. According to the revision petitioners, they filed the suit in O.S.No.360 of 2008 before the Subordinate Court, Thiruchengode for partition. The suit was decreed as against the revision petitioner. Against which the revision petitioner filed an appeal before the Principal District Judge, Namakkal with a delay of 569 days along with an application in I.A.No.68 of 2014 to condone the delay.

7. The reason stated in the affidavit is that due to getting the certified copies of papers viz., Judgment & Decree, to communicate the counsel and also his sickness, the delay of 569 days has occurred. But the petitioner has not stated any valid reason and to prove his version, he has not filed any medical reports for taking treatment for his illness and the petitioner approached the Court with unclean hands, the learned trial Judge rightly found that the reason stated in the affidavit is not acceptable and the learned counsel for the petitioners has not properly explained the reason for the delay. Hence, the learned trial Judge, dismissed the application for condoning the delay.

8. This Court does not find any valid reason to take a different view in this matter and there is no illegality or irregularity in the order passed by the

P.VELMURUGAN, J.,

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trial Court and there is no merits in this revision petition filed by the petitioners.

9. In the result, this Civil revision petition is dismissed. Consequently, the connected Miscellaneous petition is closed. No costs.

08.06.2018

Index:Yes/No
Speaking order / Non speaking order
vum

To
The Principal Sessions Judge,
Namakkal.

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