

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2018

C O R A M

THE HON'BLE MR.JUSTICE M.S.RAMESH

C.R.P.[NPD] No.2646 of 2018

Mr.S.Sheik Ismail

... Petitioner

Vs

R.Kokila

... Respondent

Common Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the impugned Order dated 10.03.2016 made I.A.No.85 of 2014 in unnumbered AS on the file of the Subordinate Judge, Kallakurichi by allowing this Civil Revision Petition.

For Petitioner : M/s.G.V.Seethalakshmi

For Respondent : Mrs. V.Sasirekha

ORDER

Aggrieved against the order of rejecting the petitioner's application to condone the delay of 1194 days in filing an appeal against the judgment and decree dated 24.08.2010 in O.S.No.596 of 2009.

2. The suit is one for recovery of money. The reasons assigned by the petitioner before the First Appellate Court for condoning the delay in filing the appeal is that his counsel, after obtaining certified copy of the decree had informed the petitioner through post and since the petitioner did not

receive the communication, the delay had occurred. In normal circumstances, such a reasoning could be accepted. But, when there is a delay of 1194 days, the question arises, as to why the petitioner had waited for such a long period of almost three years to contact his counsel.

3. It is also seen from the order of the First Appellate Court that after the judgment and decree, an execution petition came to be filed in E.P.No.91 of 2010 and an auction sale was conducted therein and the sale was confirmed. When the respondent herein, had filed a petition seeking for delivery of auctioned property, the present petition has been filed.

4. I am of the view, such a belated application, after the confirmation of the auction sale, without appropriate reasons assigned for condoning delay does not require consideration. As such, I do not find any infirmity in the order passed by the First Appellate Court.

5. Accordingly, Civil Revision Petition stands dismissed.

19.11.2018

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Index : Yes/No

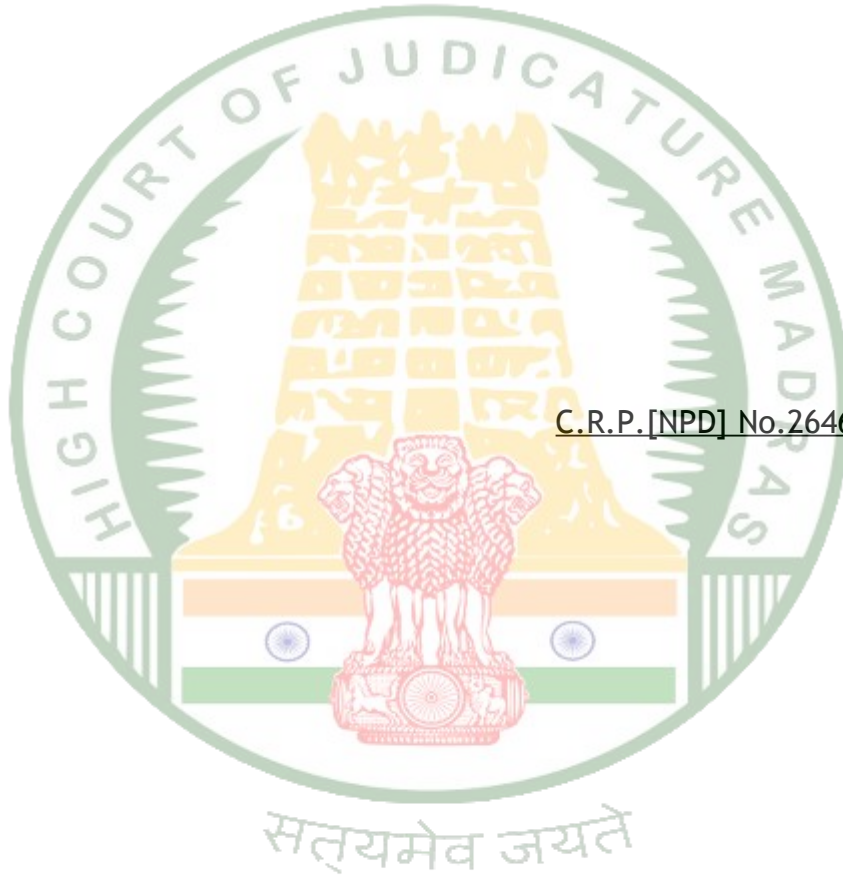
<http://www.judis.nic.in> Internet : Yes/No

To

The learned Subordinate Judge,
Kallakurichi.

M.S.RAMESH, J.

dh



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