

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CMP.No.17255 of 2017
and CRP(NPD).No.SR3946 of 2017

Rajendran

.. Petitioner

Vs

1.Jagajothiammal
2.Loganathan
3.Chandra
4.Lakshmi
5.Shanmugasundaram

.. Respondents

PRAYER

Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act to condone the delay of 1646 days in preferring the above Civil Revision Petition in CRP.NPD.SR.No.3946 of 2017 under Section 115 of the Civil Procedure Code to set aside the fair and final order made in IA.No.65 of 2007 in unnumbered AS.No. of 2007 by an order dated 29.02.2012 on the file of the Principal District Judge, Salem, Salem District.

For Petitioner

: Mr.P.S.Kothandaraman

ORDER

According to the revision petitioner, the revision petitioner has filed an application in IA.No.65 of 2007 in unnumbered AS.No. of 2007 to condone the delay of 532 days in filing the above appeal, which was dismissed. Against the said order, the revision petitioner has filed the present Civil Revision Petition along with the present Civil Miscellaneous Petition to condone the delay of 1646 days in filing the same.

2. On perusal of the affidavit filed by the revision petitioner in support of the petition, there is no satisfactory reasons have been stated in the affidavit. The revision petitioner has stated particularly in paragraph 6 of the affidavit that copy application was filed on 03.11.2016 and the same was made ready and delivered to him on 17.11.2016. In the meantime, the revision petitioner went to Kerala for Karthigaideepam festival on 12.12.2016 and so he met the lower court counsel only on 14.12.2016 and after receiving all the papers, he came to Chennai on 15.12.2016 and filed the present Civil Revision Petition before this Court. Hence, there is a delay of 1646 days.

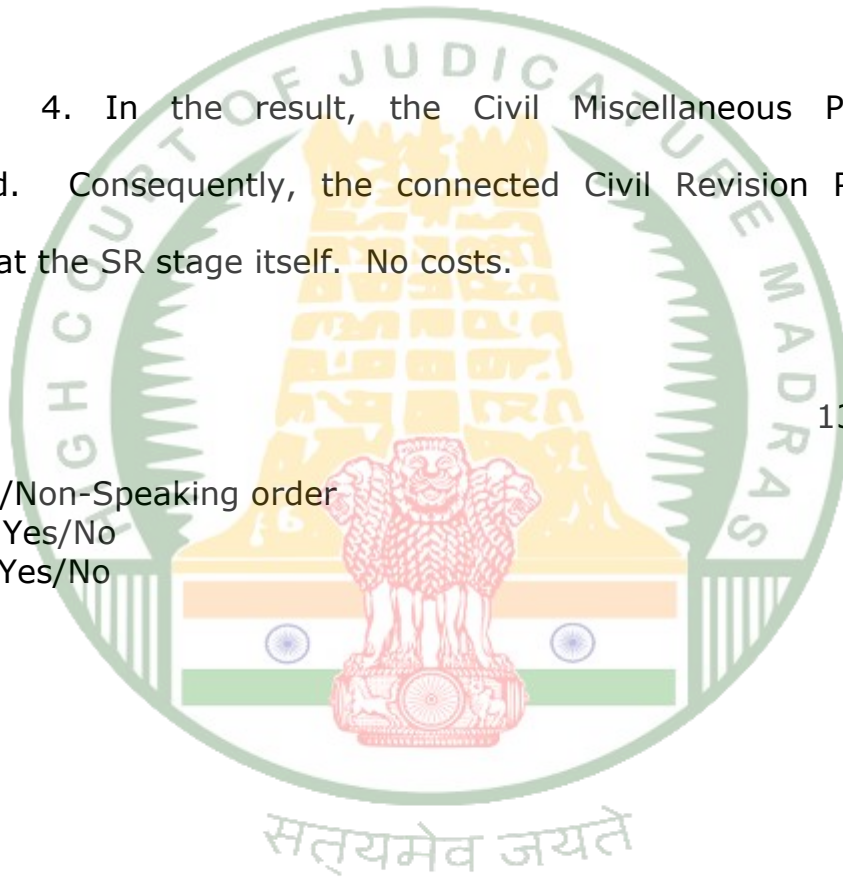
3. The revision petitioner has not given any sufficient explanation for the inordinate delay. Further, even the said appeal has also been filed by the revision petitioner with a delay of 532 days.

Further, opportunity also given by this Court for filing additional affidavit to furnish particulars to condone the delay, but no affidavit has been filed. Therefore, being not satisfied with the reasons stated in the affidavit, the Civil Miscellaneous Petition is liable to be dismissed.

4. In the result, the Civil Miscellaneous Petition is dismissed. Consequently, the connected Civil Revision Petition is rejected at the SR stage itself. No costs.

13.02.2018

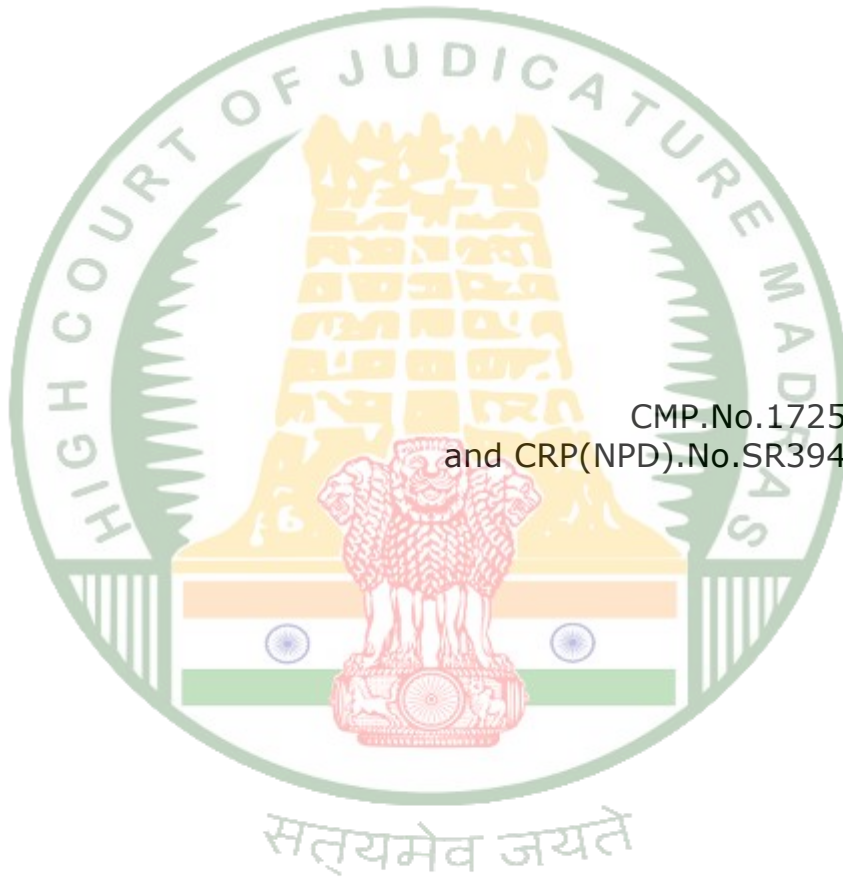
Speaking/Non-Speaking order
Index :Yes/No
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To

The Principal District Judge,
Salem, Salem District.

D. KRISHNAKUMAR J.,



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