



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.10.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (PD) (MD) No.1399 of 2018
and
CMP (MD) No.6034 of 2018

T.James

... Petitioner /Petitioner /
Appellant/Defendant

Vs.

P.Ramachandran

... Respondent/Respondent /
Respondent/Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records in I.A No.187 of 2016 in unnumbered A.S No. of 2016 on the file of the Principal District Court, Madurai and set aside the order dated 21.02.2018.

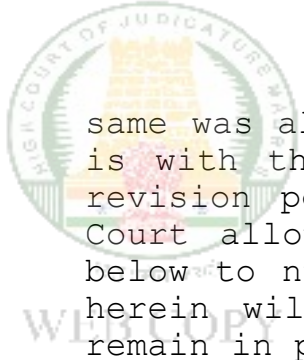
For Petitioner : Mr.C.Dhanaseelan
For Respondent : Mr.J.Jeyakumar

ORDER

The respondent herein namely, P.Ramachandran filed O.S No.1171 of 2011 before the II Additional Sub Judge, Madurai seeking the relief of declaration and recovery of possession. The suit was decreed on 16.06.2014. Challenging the same, the revision petitioner filed an appeal before the Principal District Court, Madurai. But then, there was a delay of 849 days in filing the same. To condone the delay, I.A No.187 of 2016 was filed. The court below dismissed the said I.A by order dated 21.02.2018. Challenging the same, this civil revision petition has been filed.

2.It is seen that the revision petitioner due to his inability to raise funds for preferring the appeal, could not have filed the appeal in time. This Court is satisfied with the reasons stated in the affidavit filed in support of the I.A No.187 of 2016. Hence, the order impugned in this civil revision petition is set aside.

3.The learned Principal District Judge, Madurai is directed to number the appeal and dispose of the same on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. It is seen that during the pendency of these proceedings E.P No.4 of 2015 was filed and the



same was also allowed and at present the possession of the property is with the respondent herein. This is also admitted by the revision petitioner. It is made clear that merely because this Court allowed the civil revision petition and directed the court below to number the first appeal, the possession of the respondent herein will not be disturbed. The rights of the respondent to remain in possession of the suit property will depend on the outcome of the first appeal proceedings.

4. With this clarification, this civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

The Principal District Judge,
Madurai.

+ 1 CC TO Mr.C.DHANASEELAN, ADVOCATE IN SR No. 92814
+ 1 CC TO Mr.J.JEYAKUMARAN, ADVOCATE IN SR No. 93719

SKM
TE/RSK/SAR-2 : 27/11/2018 : 2P/4C

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