



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.09.2018**

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (NPD) (MD) .No.1583 of 2016

and

C.M.P. (MD) No.7729 of 2016

M.Sumathi

...Revision Petitioner

Vs.

S.Suyambulingam

... Respondent

PRAYER : Petition filed under Section 115 of Civil Procedure Code, to call for the records pertaining to the fair and decreetal order dated 17.02.2016 made in I.A.No.131 of 2013 in A.S(SR)No.44 of 2013 on the file of the Principal Sub Court, Nagercoil and allow this Civil Revision Petition.

For petitioner : Mr.S.Ramakrishnan

For Respondent : Mr.N.Dilipkumar

ORDER

The respondent herein filed O.S.No.729 of 2005 on the file of the learned Principal District Munsif, Nagercoil, seeking the relief of bare injunction. The suit was partly decreed on 30.08.2012. Questioning the same, the revision petitioner filed an appeal before the Principal Sub Court, Nagercoil. But the appeal was not filed in time. There was a delay of 367 days in filing the same. To condone the delay, I.A.No.131 of 2013 was filed. The first Appellate Court by order dated 17.02.2016, dismissed the said I.A. Questioning the same, this Civil Revision Petition has been filed.

2.Heard the learned counsel on either side.

3.This Court is of the view that the delay occassioned in the case cannot be said to be inordinate. Since, rights pertaining to property are involved, the revision petitioner deserves to be given liberty to contest the correctness of the decree passed by the trial Court.

4.Therefore, the order impugned in this Civil Revision Petition is set aside and this Civil Revision Petition is allowed. However, the revision petitioner has to be put on terms. The revision petitioner shall pay a sum of Rs.2,000/- as cost to the



respondent herein within a period of three weeks from the date of receipt of a copy of this order.

5. Subject to this condition, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS-III)

To

Principal Sub Judge,
Nagercoil.

- + 1 CC TO MR.S.RAMAKRISHNAN, ADVOCATE IN SR NO.84478
- + 1 CC TO MR.N.DILIPKUMAR, ADVOCATE IN SR NO.84560

PNN

BU/PM/SAR-III :25.10.2018 : 2P/4C

ORDER MADE IN
C.R.P. (NPD) (MD) .No.1583 of 2016
and
C.M.P. (MD) No.7729 of 2016
17.09.2018