



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2018

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.NPD[MD]No.2466 of 2016

and

C.M.P.[MD]No.11615 of 2016

Devaraj : Petitioner/Petitioner/Appellant

Vs.

1.Ponnummony Nadar

2.Omana

3.Moni

: Respondents/Respondents/Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to allow this Civil Revision Petition and set aside the order passed in I.A.No.136 of 2015 in C.F.No.272 of 2015 on the file of Subordinate Judge's Court, Kuzhithurai dated 07.09.2016.

For Petitioner : Mr.V.M.Balamohan Thampi

For Respondents : Mr.M.P.Senthil

O R D E R

The revision petitioner was the defendant in O.S.No.136 of 2003 on the file of the District Munsif Court, Kuzhithurai. He suffered a decree on 15.07.2013. Questioning the same, he filed an appeal before the Subordinate Court, Kuzhithurai, within time. But, the appeal papers were returned for rectifying certain defects. The appeal papers were not re-presented within time. There was delay of 475 days. To condone the same, I.A.No.136 of 2015 was filed. The Court below by the impugned order, dismissed the said Interlocutory Application. Challenging 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 as defendant who suffered a decree, the revision petitioner is entitled to prosecute the first appeal. It is true that there was delay of 475 days in re-presenting the papers. But, this Court is of the view that the revision petitioner deserves to be given one more opportunity. In



this view of the matter, the order impugned in this Civil Revision Petition is set aside. The Court below shall number the first appeal and dispose of the same within a period of four [4] months from the date of receipt of a copy of this order.

4. The Civil Revision Petition stands allowed, accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Subordinate Judge,
Kuzhithurai.

+ 1 CC TO Mr.V.M.BALA MOHAN THAMPI, ADVOCATE IN SR No. 86583
+ 1 CC TO Mr.M.P.SENTHIL, ADVOCATE IN SR No. 86737

MR
TE/SKN/SAR-4 : 15/11/2018 : 2P/4C

ORDER MADE IN
C.R.P.NPD[MD]No.2466 of 2016
25.09.2018