



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.09.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.NPD[MD]No.2612 of 2016

1.Gnanendran
2.Silomony

: Petitioners/Petitioners/Appellants

Vs.

Kesava Pillai (Died)

1.Sankaran Nair

2.Raman Nair

3.Santha Kumari

4.Srimathi Amma

5.Shyamala Amma

: Respondents 1 to 5/ Respondents 2 to 6/
Respondents 2 to 6

6.Dennis

7.Jeevarathinam

8.Vedhamanickam

9.Muthaiyan Nadar

10.Rajarathinam

11.Fertinent

12.Joyson

13.Ammalu Nadathi

14.Kunju Lakshmi

15.Yesurajamani

16.Thengabai

: Respondents 6 to 16/ Respondents 7 to 17/
Respondents 7 to 17

(Respondents 2,3,5,6,8,9,11 and 12 are given up, since they remained exparte before the lower Court)

PRAYER: Civil Revision Petitions are filed under Section 115 of the Civil Procedure Code, praying to set aside the Fair and Decretal order dated 16.02.2016 passed in I.A.No.443 of 2003 in A.S.SR.No.5309 of 2003 on the file of the Subordinate Judge, Kuzhithurai and thereby allow the Civil Revision Petition.

For Petitioners

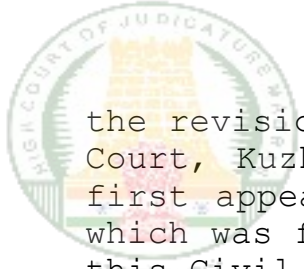
: Mr.M.R.Sreenivasan

For Respondents 1,4,7,10,13,14,15 & 16 : No appearance

For Respondents 2,3,5,6,8,9,11 and 12 : Exparte

O R D E R

The revision petitioners are the defendants in O.S.No.445 of 1982. It is a suit for partition. Preliminary decree was passed. Subsequently, final decree was also passed. Questioning the same,



the revision petitioners filed a first appeal before the Subordinate Court, Kuzhithurai. There was a delay of 194 days in filing such first appeal. First Appellate Court dismissed I.A.No.443 of 2003, which was filed for condoning the said delay. Challenging the same, this Civil Revision Petition has been filed.

2.This Court is of the view that the delay occasioned in filing the first appeal cannot be said to be inordinate. This Court went through the affidavit filed in support of I.A.No.443 of 2003. This Court is satisfied that sufficient cause has been made out. In this view of the matter, the order impugned in this Civil Revision Petition is set aside and the Civil Revision Petition is allowed. The Court below shall number the first appeal and dispose of the same as expeditiously as possible. No costs.

Sd/
Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-IV)

To
The Subordinate Judge,
Kuzhithurai.

+1cc to Mr.R.NANDAKUMAR, Advocate, SR.No.86536

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MR
KK/RP/SAR-4/08.11.2018/2P-3C