



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.09.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.NPD[MD]No.571 of 2016
and
C.M.P.[MD]No.2481 of 2016

1.Mayandi
2.Natarajan
3.Palani

:Petitioners/Petitioners/
Appellants

Vs.

1.Chellammal
2.Mariyammal
3.Pitchiah
4.Subbiah
5.Amutha
6.Ramalingam
7.Saraswathy

:Respondents/Respondents/
Respondents

PRAYER: Civil Revision Petitions are filed under Section 115 of the Civil Procedure Code, praying to set aside the fair and decreetal order passed in I.A.No.69 of 2015 in Un numbered A.S.No. of 2015 on the file of the Principal Sub Court, Tirunelveli dated 19.01.2016 by allowing this Civil Revision Petition.

For Petitioners : Mr.T.Selvan
For Respondents 1 to 5 : Mr.S.P.Maharajan

O R D E R

The revision petitioners are the defendants in O.S.No.235 of 2008, on the file of the Principal District Munsif Court, Tirunelveli. It is a suit for partition. Preliminary decree was passed on 18.11.2014. The revision petitioners contend that they have a case for appeal and therefore, they filed first appeal before the Principal Subordinate Court, Tirunelveli. There was 105 days delay. For condoning the said delay, I.A.No.69 of 2015 came to be filed. The Court below dismissed I.A.No.69 of 2015, filed by the revision petitioners. Questioning the same, this Civil Revision Petition has been filed.

2.This Court is of the view that the delay cannot be said to be inordinate. In any event, the reasons set out by the revision



petitioner in the affidavit filed in support of I.A.No.69 of 2015 make out sufficient cause for such condonation. The Court below erred in dismissing the Interlocutory Application. Hence, the order impugned in this Civil Revision Petition is set aside.

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

Sd/-

Assistant Registrar (RTI)

// True Copy //

Sub Assistant Registrar(CS-III)

To
The Principal Subordinate Judge,
Tirunelveli.

+ 1 CC TO MR.T.SELVAN, ADVOCATE IN SR NO.86474
+ 1 CC TO MR.S.P.MAHARAJAN, ADVOCATE IN SR NO.86346

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

ORDER MADE IN
C.R.P.NPD[MD]No.571 of 2016
25.09.2018