



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2018

CORAM

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.1729 of 2018

K.Magudeeswaran ... Petitioner//Appellant/First Defendant

-Vs-

1.B.Rajendran

2.Keerthana

... Respondents/Respondents/
Plaintiff & Second Defendant

Prayer: Civil Revision Petition is filed under Section 115 of Civil Procedure Code against the fair and executable order dated 14.03.2016 passed in the application to condone the delay in I.A.No.25 of 2013 in unnumbered A.S.No. Of 2013 on the file of the Subordinate Court, Palani.

For Petitioner : Mr.M.Jegadeesh Pandian

ORDER

The revision petitioner was the first defendant in O.S.No.252 of 1998 instituted by the first respondent herein. It was the suit for specific performance. The revision petitioner contested a suit. But the suit was decreed on 23.08.2006. The revision petition filed an appeal questioning the said decree in the year 2013. In the process, there was a delay of 2434 days in filing the appeal. To condone the same, the revision petitioner filed I.A.No.25 of 2013. The said Interlocutory Application was dismissed by the order dated 14.03.2016. Questioning the correctness of the said order, this Civil Revision Petition has been filed.

2. This Court is of the view that the revision petitioner is attempting to give life to a dead issue. The suit was allowed way back in the year 1998. The said proceedings ended in the year 2006. The delay of 2434 days in filing the first appeal is definitely inordinate. This Court went into the pleadings set out in the petition to condone the delay. The court below is absolutely right in holding that sufficient cause has not been made out.

3. A specific question was posed as to whether the decree that was made in the year 2006 has been executed or not. It is admitted that execution proceedings got terminated and that the property is in the possession of the first respondent.

4. In these circumstances, this Court is of the view that nothing survives in this matter. Hence, this Civil Revision Petition



is dismissed. No costs. Consequently, connected C.M.P.(MD) No.7408 of 2018 is closed.

Sd/-

Assistant Registrar (CO)

True Copy/

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Sub Assistant Registrar (CS-III)

To,
The Subordinate Court,
Palani.

+1CC TO MR.M.JEGADEESH PANDIAN, ADVOCATE IN SR.NO.78322.

CM

DS RSK SAR-3;07.09.2018; 2P/3C

C.R.P.(MD) No.1729 of 2018
and C.M.P.(MD) No.7408 of 2018

11.08.2018