



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMP (MD) No.8092 of 2018

in

CRP (MD) No.SR 16742 of 2018

T.Suresh Selvan

...Petitioner

Vs.

N.Murugan

...Respondent

Ngomi (died)

Prayer : This Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act, to condone the delay of 771 days in filing the main civil revision petition in CRP (MD) Sr.No.16742 of 2018.

For Petitioner: Mr.D.Nallathambi

For Respondent: No appearance

ORDER

One Murugan filed O.S No.50 of 2007 on the file of the Additional District Munsif Court, Nagercoil seeking the relief of recovery of possession. The revision petitioner herein figured as the second defendant therein. The suit was decreed on 29.07.2013. Questioning the same, the revision petitioner filed an appeal before the Principal Sub court Nagercoil. But, there was a delay of a few days in filing the appeal. In the meanwhile, the first defendant passed away. The revision petitioner in order to bring the LRs on record took out an I.A. The application was allowed on payment of costs. The cost amount was not remitted in time. Therefore, the said application suffered a dismissal. Challenging the same, the revision petitioner filed CRP (MD) SR.16742 of 2018.

2.This Court went through the affidavit filed in support of CMP (MD) No.8092 of 2018. It is seen that the delay occasioned in this case is inordinate. The reasons set out by the revision petitioner do not constitute sufficient cause for this Court to condone the delay. Even on merits, it is seen that the revision



petitioner is only a tenant in respect of the suit property and he did not care to mark any documentary evidence in the trial proceedings.

3. Therefore, condoning the delay occasioned in this case would only give life to a dead issue. It is also seen that the suit is of the year 2007. The decree holder got a decree way back in the year 2013. The decree holder is still battling for enjoying the fruits of the decree. Therefore, finding no merit in this civil revision petition, this Court dismisses this Civil Revision Petition at the S.R stage itself. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS-I)

To

1. The Additional District Munsif , Nagercoil.

2. The Principal Subordinate Judge, Nagercoil.

+ 1 CC TO MR.D.NALLATHAMBI, ADVOCATE IN SR NO.90880

SKM

BU/SKN/SAR-1 :12.11.2018 : 2P/4C

CMP (MD) No. 8092 of 2018

in

CRP (MD) No. SR. 16742 of 2018

12.10.2018