

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.R.P.(NPD) No.3761 of 2010

1.Venkataramachari
2.Govindaraj

...Petitioners

..Vs..

1.Rangachari
2.Raghunatha
3.Kittachari
4.Kullammal
5.Rajammal
6.Kamma
7.Babu@Suresh

...Respondents

PRAYER: Civil Revision Petition filed under Section 227 of the Constitution of India, against the Judgment and decretal order in I.A.No.433 of 2007 in O.S.No.197 of 2000 dated 16.09.2010 on the file of the District Munsif, Krishnagiri.

For Petitioner :Mr.V.Raghavachari

For R1,R3 & R4 :Mrs.Selvi George

For R5 & R6 :Refused private notice

For R7 : No appearance

ORDER

The plaintiffs in the suit are the Revision Petitioners herein. They filed O.S.No.197 of 2000 on the file of District Munsif, Krishnagiri for the relief of Declaration of title and for Permanent Injunction. Written statement has been filed.

2. According to the petitioners, their vendor has a share in the property. However, the suit was dismissed for non-prosecution and the order of dismissal was passed on 24.06.2005. Thereafter, they filed the present I.A No.433 of 2007 to set aside the order of dismissal for default and for restoration of the suit under Order 9 Rule 9 C.P.C. Since, there was a delay, they also filed an Interlocutory Application for condonation of the delay of 1 year and 266 days on the ground that the petitioner was unable to contact his advocate.

3. It is seen from the counter affidavit that the defendants have brought to the notice of the Lower Court that after the above suit in O.S.No.197/2000 was dismissed for default, the very same plaintiff had filed another suit in O.S.No.109 of 2008 against the very same defendants for the very same relief. Pending the subsequent suit in O.S.No.109/2008, they preferred the I.A.No.433 of 2007 to condone the delay.

4. On consideration of the factual position and also taking note of the subsequent conduct of the petitioners/plaintiffs, the learned District Munsif has rejected the petition and hence, the revision.

5. After hearing both the parties and on going through the affidavit filed in support of the condonation petition, this Court is of the opinion that there is no explanation, much less any acceptable explanation, for the delay of 1 year and 266 days.

6. In this view of the matter, I do not find any error on the face of the record warranting interference on the revisional jurisdiction.

7. Accordingly, this Civil Revision Petition is dismissed. No costs.

09.12.2019

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Index:Yes/No
Internet:Yes/No

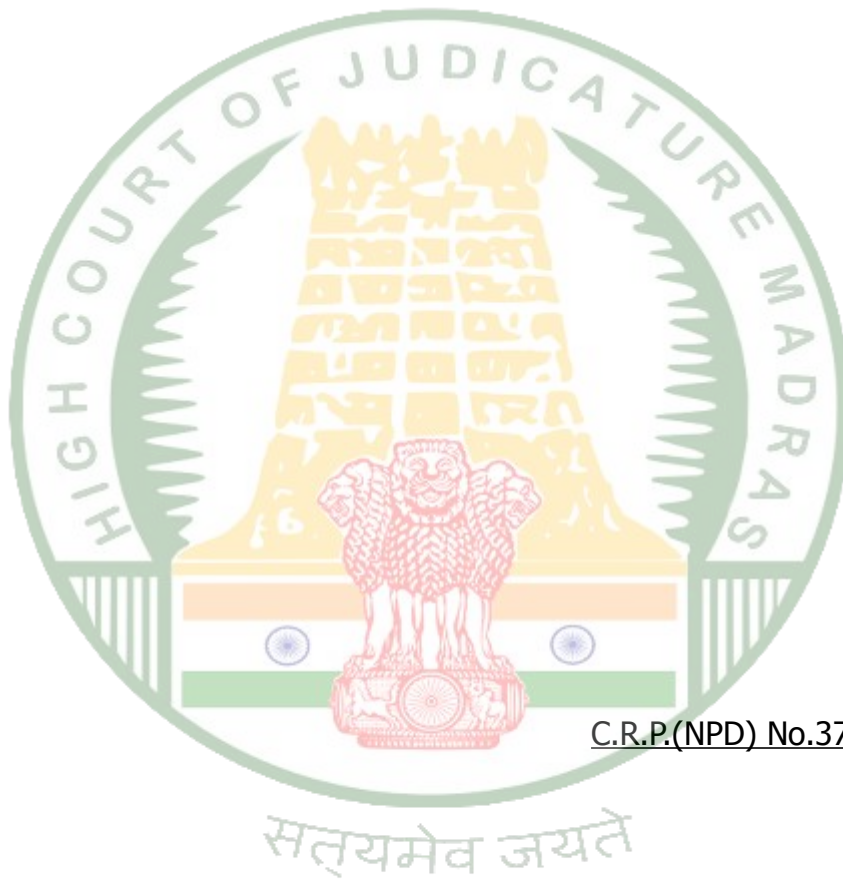
To

The District Munsif, Krishnagiri.

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RMT.TEEKAA RAMAN,J.,

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