

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.02.2019
CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

C.R.P. (NPD)No.686 of 2004
and
C.M.P.No.5418 of 2004

C.V.Jeeva

.. Petitioner

Vs.

1. Suseela
2. Kishtammal
3. Andalammal
4. Booshanammal
5. Padmavathi
6. Selvi

... Respondents

PRAYER: Civil Revision Petition filed under Article 115 of the Civil Procedure Code, against the order and decretal order, dated 19.06.2003, made in I.A.No.98 of 1992, in in Un A.S.No.____ of 1992 on the file of the learned Subordinate Judge, Thiruvallore.

For Petitioner : Mr.N.V.Ragavachari

For R1 to R3 & R6 : No appearance

For R4 & R5 : Tapal not yet received

O R D E R

This Civil Revision Petition has been filed as against the dismissal of the application filed to condone the delay of 1828 days in filing appeal against the final decree proceedings.

2. It is the case of the revision petitioner that in the preliminary decree and final decree proceedings, he was represented by the learned counsel Mr.N.V.Ragavachari. When the final decree was passed in the year 1986, the revision petitioner was informed that, his rights in all the properties are protected. However, when the final decree came to be passed, he came to know that in respect of two items of the properties, his right has been seriously affected. Therefore, he filed an application to condone the delay of 1828 days in preferring the appeal against the decree, dated 31.01.1986. The trial court dismissed the application on the ground that there were no

sufficient reasons to condone such huge delay.

3. Heard the learned counsel appearing for the revision petitioner and perused the materials available on record.

4. This revision is filed as against the dismissal of the application filed to condone the delay of 1828 days in filing the appeal. The allegation of the petitioner itself indicates that right from the date of his appearance in the suit filed for partition, his counsel used to inform about the proceedings. However, he was not informed about allotment made in the final decree proceedings. The contention is that only at the time of delivery of possession, he came to know that his rights had been affected and therefore, there is a delay of 1828 days.

5. It is to be noted that merely the parties had no knowledge about the contents of the final decree, same cannot be a ground to condone the huge delay. If such reasons are condoned by the court in every litigation, on the ground that the parties are not aware of the proceedings of the court, every litigant will file an appeal with huge delay. No doubt, where sufficient causes shown, liberal approach can be taken at the time of exercising discretion of the court, provided there are reasonable grounds. Without any sufficient cause the delay cannot be condoned mechanically.

6. Admittedly, the revision petitioner is all along represented by the learned counsel till the final decree has been passed. Therefore, he cannot come after several years, alleging that his right has been affected in the final decree. Hence, there is no error in the order of the trial court and the trial court was right in dismissing the application.

7. Accordingly, the Civil Revision Petition is dismissed. No cost. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssi

To

1. The Subordinate Judge,
Thiruvallore.

2. The Section Officer,
VR Section, Madras High Court.

+1cc to Mr.Ramasamy, Advocate, S.R.No. 9450

C.R.P. (NPD)No.686 of 2004

MG (CO)
GN (07/03/2019)



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