

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON	DELIVERED ON
27~02~2019	13~03~2019

CORAM :THE HONOURABLE **MR. JUSTICE N.SATHISH KUMAR**

C.R.P.(NPD).No.1759 of 2013
and M.P.No.1 of 2013

M/s. Kirubasanam Kiruothuvin Saba
Rep.by its President Dasayya ... Revision Petitioner/Petitioner/
2nd Defendant

Versus

1. T. Ramanathan

2. R. Usha

... Respondents/Respondents/
Plaintiffs 2 and 3

Civil Revision Petition filed under 115 of Code of Civil Procedure to set aside the order dated 5.9.2012 passed in I.A.No.59 of 2011 in O.S.No.909 of 2004 on the file of the Principal Subordinate Judge, Coimbatore, by allowing the Civil Revision.

For Revision Petitioner .. Mr. S. Subbiah
Senior Counsel for
Mr.P.Kumaran

For Respondents .. Mr.S.Mukunth
for M/s Sarvabhuman Associates[for R1]

Office Closed [for R2]

ORDER

Aggrieved over the fair and final order in I.A.No.59 of 2011 in O.S.No.909 of 2004 on the file of the Principal Sub-ordinate Judge, Coimbatore, the present Revision came to be filed.

2. The brief facts leading to file this Civil Revision Petition is as follows:

2.(a) The suit has been originally filed in O.S.No.909 of 2004 by the Plaintiff against the Defendants for recovery of delivery of possession and also to pay past mesne profits and damages. The suit was filed on the ground that the 1st Plaintiff is the owner of the property. He is permitted the First Defendant to conduct prayers in the suit property. However, the First Defendant misused the premises. Other Defendants are the employees of the First Defendant. Therefore, the suit filed for recovery of possession. In the meanwhile, suit was decreed exparte on 30.07.2008 by the Principal District Judge, Coimbatore. Thereafter, Application has been filed to set aside the exparte decree on 16.02.2010. Thereafter, Defendants have filed an application to condone delay of 536 days in filing the petition to set aside the exparte decree dated 30.07.2008. It is averred in the

application by the Revision Petitioner that Defendant/Revision Petitioner Saba entrusted the suit to one Advocate Shree Sony for conducting the case and the case was posted on 30.07.2008, however, same was not communicated to the Defendants Saba. Therefore, they have set exparte and exparte decree was passed. It is also the contention of the Petitioner/2nd Defendant that the Plaintiff after the demise of First Defendant impleaded the 2nd Defendant by stating incorrect address. Therefore, he could not appear before the court on 30.7.2008. Non-appearance on 30.07.2008 is neither wilful nor wanton. Therefore, the delay of 536 days occurred in filing the application to set aside the exparte decree.

3. This application has been filed before the court passed the decree originally. Thereafter, in view of the pecuniary jurisdiction, application was transferred to the Principal Subordinate Court. Principal Subordinate Court heard the application on merits and found that there was no sufficient cause shown in the application to condone the delay of 536 days and dismissed the application, as against which the present Revision is filed.

4. The learned senior Counsel appearing for the Revision

Petitioner submitted that the suit was decreed *ex parte* by the Principal District Court, where the suit was originally filed. Whereas the application to set aside the *ex parte* decree, though filed before the Principal District Court was transferred to the Principal Subordinate Court and the Principal Subordinate Judge heard the application and dismissed the same. It is the contention of the learned Senior counsel that *ex parte* decree can set side only by the court which passed the decree. Therefore, any application to set aside the *ex parte* decree should have been heard only by the Principal District Court and not by the Principal Subordinate Court. It is the further contention of the learned Senior Counsel that the trial Court has not given liberal approach for condoning the delay. In the application filed by the Revision Petitioner he has given sufficient reasons for such delay which has not been taken into consideration. Hence it is the contention of the learned Senior Counsel that the Subordinate Court dismissing the application to condone the huge delay is contrary to the provisions contemplated under Order IX Rule 13 of the Civil Procedure Code. It is the further contention of the learned Senior Counsel that Section 37 of the CPC stipulate that the definition of the court which passed a decree. Hence submitted that the order passed by the Subordinate Court dismissing the application is not maintainable. In support of his

contention he relied upon the judgment of the Honourable Supreme Court in ***Auto Cars v. Trimurti Cargo Movers Pvt.Ltd., and others [2018-3-L.W.325]*** and also submitted that Section 150 of C.P.C. cannot be pressed into service. In support of the same he has also placed judgment of the Kerala High Court in ***Thomas Abraham v. Muraleedharan Nair. [1999 CJ (Ker) 349]***.

5. It is the submission of the learned Senior Counsel appearing for the Revision Petitioner that the Principal Subordinate Court has no jurisdiction to entertain the application filed to set aside the exparte decree and condone delay of 536 days filed under Section 5 of the Limitation Act.

6. Whereas it is the contention of the learned counsel for the Respondent that the affidavit filed by the Revision Petitioner to set aside the exparte decree along with condonation of delay of 536 days is bereft of any reason. There is no sufficient cause shown in the application. Suit has been filed for recovery of possession. The Revision Petitioner has no right whatsoever in the suit property. The allegation found in the affidavit itself shows that there is no interest in the suit property. In any event there is no sufficient cause shown in

the affidavit. The trial court has rightly dismissed the application to condone the delay of 536 days and the same does not require any interference.

7. It is the further contention of the learned counsel for the respondent that that application to set aside the exparte decree was originally filed before the Principal District Judge and the same was numbered as I.A.No.258 of 2010 and was adjourned for various hearings. Counter filed on 11.6.2010 and the matter was posted for enquiry on 3.8.2010. Thereafter the entire case was transferred to Principal Subordinate Judge as per Act 19 of 2010. The Transfer has been effected due to the pecuniary jurisdiction enhanced under the Act 19 of 2010 ie Tamil Nadu Civil Courts and the Chennai City Civil Court (Amendment) Act,2010. Thereafter, the learned Sub-ordinate Judge heard the matter on merits and finally dismissed the application.

8. It is also the contention of the learned counsel for the respondent that when the application to set aside the exparte decree was pending before the Principal District Judge pecuniary jurisdiction of Subordinate Judge was enhanced. Therefore the application was rightly transferred along with suit records to the Subordinate Court.

Section 150 of the CPC clearly states that the transferee court shall have the same powers and perform the same duties as those conferred and imposed by or under the Civil Procedure Code upon the original Court from which the business of the court was transferred to that court. Therefore, Principal Subordinate Court to which entire case paper has been transferred on the point of pecuniary jurisdiction entertaining such application filed to set aside the ex parte decree saved under Section 150 of C.P.C.

9. It is the further contention of the learned counsel that, this objection has never raised by the Revision Petitioner before the Principal Subordinate Court at the time of hearing the application. Therefore, as per section 21 of C.P.C. he cannot be allowed to raise any objection before this Court in the revision. Hence submitted that the Revision Petition lacks merit. In support of his submission he has cited the following judgments.

1. Mouna Gurusamy Naicker v. Sheikh
Muhammadhu [(1922) 16 L.W. 748]

2. J.V.Srinivasa Rao v. Hanumantha Rao
and others [AIR 1922 Mad 10]

3. Dr.G.M.Narayana Swamy vs. The Union

of India [(1977) 1 AP LJ 445]

10. I have perused the entire materials and the submissions of the both the learned counsel. It is not in dispute that the suit was originally laid before the Principal District Court for recovery of vacant possession along with other reliefs. Exparte decree was passed on 30.07.2008. The application to set aside the exparte decree filed along with the application under Section 5 of the Limitation Act to condone the delay of 536 days, before the Principal District Judge which has passed the decree originally. Principal District Court has adjourned the application for several occasions. The endorsement made in the notes paper, petition and order clearly show that the above application was originally pending before the Principal District Court till 3.8.2010. Thereafter, in view of the enactment of the pecuniary jurisdiction under Act 19 of 2010, the entire case records was transferred to the Principal Subordinate Judge, Coimbatore. Thereafter, in the year 21.11.2011 the matter was pending before the Principal Subordinate court. Finally, arguments heard on 21.08.2012 and ultimately the application filed under Section 5 of the Limitation Act was dismissed by the Principal Subordinate Court.

11. No doubt it is true that where a decree is passed exparte against the defendant he may apply before the Court where the

decree was passed for setting aside the exparte decree. Then the court on satisfaction of the ground make an order setting aside the decree against them. Though the Order 9 Rule 13 of C.P.C. states that the application has to be filed before the court which passed the decree, from the records it is very clear that in fact application under section 5 of the Limitation Act to condone the delay of 536 days filed before the Principal District Judge, which passed the decree, such application was pending for filing counter before the Principal District Judge in I.A.No.258 of 2010 till 27.08.2010. Thereafter, the entire case records have been transferred to the Principal Subordinate Court, in view of the enhancement of the pecuniary jurisdiction.

12. It is curious to note that once the pecuniary jurisdiction of the courts enhanced, the business of the original court which entertained the suit before enactment of the Act raising pecuniary jurisdiction is transferred by operation of law. Accordingly the entire case papers have been transferred to the Principal Sub Court by the Principal District Court. Section 150 C.P.C. Reads as follows:

"150. Transfer of business:- *Save as otherwise provide, where the business of any Court is transferred to any other Court, the Court to which the business is so transferred shall have the same powers and shall perform the same duties as those respectively conferred and imposed by or under this*

Code upon the Court from which the business was so transferred."

13. On a careful perusal of the above makes it clear that when the proceedings originally before the Court transferred to other court, the other court have same powers and shall perform the same duties same power of the court which passed the decree. In this regard it is useful to refer the Judgment of this Court reported in ***J.V.Srinivasa Rao v. Hanumantha Rao and others [AIR 1922 Mad 10]*** this Court has held as follows:

"The main question for our decision in the revision petition is one of jurisdiction regarding the setting aside of an ex parte decree.

The petitioner before us, who was the plaintiff in Original Suit No. 1230 of 1919 on the file of the District Munsif's Court of Panukonda, obtained a decree against the respondent and others, the decree against him being an ex parte decree. Subsequently, there was a re-adjustment of territorial jurisdiction between that Court and the District Munsif's Court of Anantapur as the result of which, all the properties included in the decree were transferred to the jurisdiction of the latter Court. Consequently, the respondent applied to that Court to get aside the ex parte decree against him and

that Court has granted his prayer. The revision is against that order and it has been contended before me, that the Penukonda Court, as the Court which passed the decree, was the only Court competent to act under Order IX, Rule 13 of the Code of Civil Procedure to set aside the decree and that the Anantapur Court had no jurisdiction to do so. That rule, it is true, authorises an application to the Court that passed the decree but the respondent relies upon Section 150 of the Code of Civil Procedure as extending the power to act under that rule to the Anantapur Court in the present case, as the whole business of the former Court within the local area in which the suit properties are situate, has been transferred to the latter Court and he contends Section 150 applies.

The petitioner's Vakil has put forward two contentions to exclude the applicability of Section 150 and I shall consider them separately. He first argued that the section applied only when the whole of the business of the Court with reference to the whole of its jurisdiction is transferred to another Court; or, in other words, when the Court is abolished and another is substituted for it, and not to a case of partial adjustment of jurisdiction and transfer of its business with reference to that part alone to another Court. There is nothing in the language of the section which compels us to put this restricted meaning on it: to do so would greatly reduce its scope and usefulness. No authority has been cited in favour of the restricted construction, nor is any general reason shown in support of it. On the other hand, there

is as much reason to apply the section to cases of transfer of defined local areas as to cases of transfer of the whole, jurisdiction. What little authority there is on the point, is in favour of the view I am taking, for in the Full Bench case in *Seeni Nadan v. Muthuswamy Pillai* 53 Ind. Cas. 213 : 42 M. 821 : 37 M.L.J. 284 : 26 M.L.T. 223 : (1919) M.W.N. 640 : 11 L.W. 63 there is an observation of Ayling, J., on page 835 Page of 42 M.[ED.] which supports it, where the learned Judge says "this Section ("section 150 of the Code of Civil Procedure) certainly seems to me to cover the case of transfer of all the litigations arising out of a tract of country from one part to another." The first objection must, therefore, be overruled.

The next point taken in, that the words "save as otherwise provided" in the section prevent its applicability to the present case, as it is argued that Order IX, Rule 18, requires that the application should be made to the Court that passed the decree and to no other Court. It does not say anything about other Courts and I am unable to read it as excluding the application of Section 150. The rule is an enabling one which prescribes what is to be done in the ordinary course, to get an ex parte decree set aside. It does not say that the Court that passed the decree is the only Court that can set it aside. Nor is there anything restrictive in the wording."

14. In a Division Bench Judgment of Andhra Pradesh High

Court in **Dr.G.M.Narayana Swamy vs. The Union of India [(1977)**

1 AP LJ 445] it is held as follows:

6. In order to appreciate the scope of the contentions of the parties on question No. 1, it is necessary to consider the content of the provisions of Sec. 150 C.P.C. The transferee court shall have the same powers and perform the same duties as those conferred and imposed by or under the Civil Procedure Code upon the original court from which the business of the court was transferred to that court. The powers of the transferee court indicated in section 150 C.P.C. are subject to the other provisions of the Code. The use of the expression 'Save as otherwise provided' in the beginning of the section supports the aforesaid view. This section does not restrict the powers of the transferee Court in so far as the suit or proceeding which has been transferred to that court, is concerned. In other words, what all the court which originally passed the decree was competent to do and could do can also be done by the transferee court. The application for setting aside the ex parte decree is entertainable under Order 9, Rule 13, Civil Procedure Code. The Application to set aside the ex parte decree has to be made to the court by which it was passed. The court which passed the ex parte decree would be entitled to set aside the same against the defendant on his application and upon such terms as to costs payment into court or otherwise, as it thinks fit, if it is satisfied that the summons was not duly served or that he was prevented by any sufficient cause from appearing in the

court when the suit was called on for hearing. The right of the defendant to apply for setting aside the ex parte decree passed against him to the court which passed the ex parte decree would enure to his benefit to prefer similar application even before the transferee court. By virtue of the provisions of Order 9, Rule 13 read with section 150 CPC. the defendant, against whom an ex parte decree has been passed by the original court, can prefer an application to set aside that ex parte decree before the transferee court and the transferee court just as the original court which passed the ex parte decree is competent to pass such order as it deems fit and proper. Where the decree has been transferred to another court or where the properties involved in the suit have been transferred to the jurisdiction of another court, as a result of which the business of the original court was transferred to another court, the transferee court can exercise all the powers that could have been exercised by the original court in other words for all practical purposes the transferee court must be considered to be the original court and it can certainly entertain an application to set aside the ex parte decree as if it had been passed by itself. This view of ours gains support from decided cases which we shall presently refer to. In *J.V. Srinivasa Rao v. Hanumantha Rao and others* MANU/TN/0089/1922 : A.I.R. 1922 Mad. 10 a Division Bench of the Madras High Court had held that where the whole business of one court is transferred to another court, the expression the court by which the decree was passed cannot be taken to be limited to the original court.

Therein, an ex parte decree was passed against the respondent and others by the District Munsif's court, Penukonda in C.S. No. 1230 of 1919. Subsequently there was a readjustment of territorial jurisdiction between the District Munsif's Court at Penukonda and the District Munsif's Court at Anantapur as a result of which all the properties covered by the decree were transferred to the jurisdiction of the latter court. In the circumstances the respondent, against whom the ex parte decree was passed, had applied to the District Munsif's Court, Anantapur for setting aside the ex parte decree against him and his request was granted. Against that order, a revision was preferred to the Madras High Court. The question that fell for the decision of the Madras High Court was whether the transferee court i.e. the District Munsif's Court Anantapur was competent to entertain the application of the Respondent-defendant under Order 9, Rule 13 C.P.C. to set aside the ex parte decree passed against him by the District Munsif's Court, Penukonda. The contention of the petitioner-decree holder is that section 150 C.P.C. is attracted only when the whole of the business of the court with reference to its jurisdiction is transferred to another court, such as when the court is abolished and another is substituted for it, and not in a case of partial adjustment of jurisdiction of the court and transfer of its business with reference to that part alone to another court, was negatived. It was held that there was nothing in the language of section 150 C.P.C. to support the theory of such restricted meaning, nor any authority to that effect. As observed by, Aiyang, J., in

Seeni Nadan v. Muthuswami Pillai MANU/TN/0054/1919 : I.L.R. 42 Mad., 821 at 835. "this section certainly seems to cover the case of transfer of all the litigations arising out of a tract of country from one part to another". The further submission that Order 9, Rule 13 C.P.C. requires the application to be filed only before the court which passed the decree but no other court, was rejected. It is pertinent to notice that the provisions of Order, 9 Rule 13 C.P.C. do not indicate that except the court that passed the *ex parte* decree, no other court can entertain the application for setting aside the *ex parte* decree. There is no such specific indication in the provision. If the intention of legislature was that it is only the court which passed the decree but none else, that is competent to entertain an application to set aside the *ex parte* decree, the language of Order 9 Rule 13 C.P.C. would have been differently worded. In this regard, we may notice the use of the words "such judge or judges or any of them shall hear the application and no other judge or judges of the court shall hear the same" in Order 47 Rule 5 C.P.C. In the case of review, the same court or the Judge that passed the order sought to be reviewed, would be competent to review the same. The provisions of Order 9, Rule 13 C.P.C. must be construed fairly and reasonably but not in a pedantic way. If the contention of the respondent's counsel is acceded to, it will lead to anomalies resulting in great hardship. The view taken by the Division Bench in *J.V. Srinivasa Rao v. Hanumantha Rao and others* MANU/TN/0089/1922 : A.I.R. 1922 Mad. 10 has been accepted by another Division Bench in

Mouna Guruswamy Naicker v. Sheikh Muhammadhu Rowther MANU/TN/0076/1922 : A.I.R. 1923 Mad 92 at 93. Therein the business of the court granting an injunction was transferred to another court. It fell for consideration whether the transferee court had jurisdiction to entertain an application made under O. 39 R. 2(3) to have the defendant punished for dis-obedience of an injunction. While considering the contention that the Dindigul Court i.e. the transferee court which was created for the first time and to whom the decree passed by the Madura Sub Court was transferred, has the local jurisdiction, the court observed thus;

"A very similar argument we had to consider with reference to O. 9, R. 13 where there had been a territorial re-distribution of jurisdiction between two Munsifs' courts where we held that the words 'save as otherwise provided for' did not prevent S. 150 from applying and enabling the court to which the business had been transferred from setting aside an ex parte decree. See Ranganatha Rao v. Hanumantha Rao (MANU/TN/0089/1922 : 1922 Mad. 10). That was a case under Order 9. Rule 13 and there were some special reasons there, more than there is in this case, for the view we took, but we think that it is nevertheless an authority for saying that the words 'save as otherwise provided for' do not, exclude the application of S. 150 merely because in the rule that gives the court the power to take action, there are the words "the court granting the injunction". As was pointed out by Srinivasa Aiyangar J. in Suppl v.

Kunhi Koya (39 Mad 907(913) the words 'that the court which granted the injunction' were introduced into the new code not with any object of changing the law which existed before but because the wording of the corresponding section in the old code was not very happy as it implied that the injunction was "to be enforced by" imprisonment of the party whereas the imprisonment was a punishment for disobedience, xx xx Naturally when the active form of expression was used by the legislature it was necessary to describe the court which was to be given power to punish for disobedience and of course that was primarily the court granting the injunction but it is clear to our minds that this does not prevent the court to which the business of that court was transferred from exercising the power under sec. 150, O. 39 R. 2(3) does not say that it is only the court granting the injunction that should make the order under it, so that there is nothing in that rule which excludes the application of S. 150 by bringing it within the words 'save as otherwise provided for'."

15. From the above judgments it is very clear that the transferee court has jurisdiction to entertain the application to set aside the ex parte decree which passed by the original court. It is to be noted that the Tamil Nadu Civil Courts and the Chennai City Civil Court Act 2010 was amended and enhanced the pecuniary limit of the original courts and Transitory Provision under Section 4 makes it clear

that all suits pending in a District Court on the date of the commencement of the provision of this Act and which would be within the cognizance of the Subordinate Court under the provisions of the Tamil Nadu Civil Courts Act, 1873 (Central Act III of 1873), as amended by this Act, shall stand transferred to the Subordinate Court having jurisdiction over the subject matter.

16. Admittedly, Application has been filed under Section 5 of the Limitation Act, was pending on the file of the District Court which passed decree on the date of Tamil Nadu Civil Courts Act, 1873 coming into force. When the application to set aside the decree was very much pending, it should be construed that the suit is also pending on the above Court. Therefore, only when such application was dismissed or disposed of the decree would be reached finality. As long as such application is pending on that date it cannot be said that no suit is pending on the file of the Principal District Court. At any event, once the business of the Court is transferred to any other court by virtue of operation of law, the transferee court is certainly having power to entertain the application to set aside the exparte decree.

17. The Judgement cited by the learned counsel for the

Revision Petition in **Thomas Abraham's case** (supra) wherein exparte decree was passed by Principal Sub-Judge, Kottayam. Thereafter application was filed to set aside the application before the same Court. However, the application was dismissed on the ground that the petitioner was not present. the above order was challenged in the appeal before the Kerala High Court. In the appeal it is the contention of the appellant that the application in I.A.No.2906 of 1992 should not have been taken up by the Kottayam Sub-Court for final disposal since the territorial jurisdiction was divided and new court viz, Palai Sub-Court had come into existence on 19.2.1994 and the jurisdiction to try the suit was with Palai Sub-Court. Only in the above back ground, the Kerala High Court has held that mere transfer of jurisdiction over certain properties of a court to another court will not be a transfer of business within the meaning of Section 150 C.P.C. On the other hand, if a particular Court is abolished and the territorial jurisdiction of that court is transferred to either one Court or to different courts there will be a transfer of business of that court or to different Courts there will be transfer of business of that court within the meaning of Section 150 CPC and held that entertaining the application by the original court is not bar.

18. The above judgment relied by the learned counsel is no way helpful here. Admittedly, in this case pecuniary jurisdiction has enhanced by the Tamil Nadu Act and the entire business of the original Court has been transferred to Sub-Court, in view of the enhanced pecuniary jurisdiction. Further the application to condone the delay along with the petition for setting aside the decree itself filed before the original court first. Thereafter entire case has been transferred to sub-court. Therefore, such situation it should be held that entire business of the Court has been transferred in view of the enhancement of the pecuniary jurisdiction. Therefore, the Sub-Court has a power to decide such application. Even Order IX Rule 13 of C.P.C. does not a bar for passing any orders. Order IX Rule 13 of C.P.C. contemplates only the application to file before the Court which passed a decree. There is no bar for transferee court decree to entertain such application. In any event, Section 150 of C.P.C. makes it very clear that by transfer of business of the Court by the transferee court has all the power to deal with the application. Therefore, the contention of the learned Senior Counsel cannot be countenanced.

19. The learned Senior Counsel for the Revision Petitioner has relied upon the judgment in ***Auto Cars v. Trimurti Cargo Movers***

Pvt.Ltd., and others [2018-3-L.W.325] to show that summons have not been served properly. therefore, exparte decree to be set aside. It is to be noted that the facts from the very affidavit of the Revision Petitioner indicates that summons have been served and he communicated the lawyer. Therefore, the above judgment of the Honourable Supreme Court cannot be applicable to the facts and circumstances of the present case.

20. As far as the other ground of condoning of delay of 536 days it is pleaded in the affidavit that though the defendant has entrusted the suit to one Advocate Shree Sony. Since he has not communicated that the suit was posted on 30.7.2008, they were set ex-parte. Further it is contended that summons have been served in the wrong address of the Second Defendant. It is to be noted that only the Second Defendant who filed the affidavit, wherein para 4 it is categorically stated that he engaged Advocate, since his Advocate did not communicate properly, they were set exparte. Therefore, his contention in para 5 of the affidavit that summons have been sent to the wrong address cannot be countenanced and it is contrary to the averment in para 4 of the affidavit. It is further to be noted that absolutely, there is no pleadings and reasons in his affidavit for such

huge delay of 536 days in the entire affidavit.

21. It is well settled that there must be "sufficient cause" in the application to condone the delay, satisfactory reason has to be given. Though the word "sufficient cause" mentioned in Section 5 of the Limitation Act is normally approached liberally, to give such liberal approach there must be acceptable and palpable reason in the petition. On perusal of the affidavit there is no reason whatsoever for such huge delay. The application clearly indicates that since their counsel has not informed, they were set exparte. It is to be noted that the responsibility of the party is not end by handing over the case to the counsel. Their duty continue to watch the proceedings. Litigant cannot be lethargic for years together and come and blame the lawyer to condone huge delay which occurred on their own fault. There is absolutely no materials available on record to show that there was communication from their lawyer. No evidence whatsoever produced by the petitioner in this aspect. His own inaction for long time would not entitle him to get the decree set aside by condoning huge delay of 536 days. Now the Courts are very liberal in approaching Section 5 of Limitation Act applications to advance the substantial justice. To exercise such liberal approach there must be reasonable ground. As

stated above, absolutely, there is no merit in the application and there is no acceptable reasons found in the affidavit. Therefore, this Court does not find any infirmity or illegality in the order passed by the trial Court in dismissing the application. Accordingly the Revision Petition is dismissed.

22. In the result, the Revision Petition is dismissed. Connected M.P.is closed. No Costs.

13.03.2019

Index:Yes/No
Internet:Yes/No
Speaking order/Non-speaking order
ggs.

To

1. The Principal Subordinate Judge,
Coimbatore.

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WEB COPY

N. SATHISH KUMAR, J.

ggs.



order in:

C.R.P.(NPD)No.1759 of 2013

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