

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.12.2019

CORAM :

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.(NPD).Nos.1640 & 1641 of 2014

Mylathal

... Petitioner
(in both CRP's)

Versus

1.Saraswathi
2.Ranjitham
3.Savithiri
4.Somu @ Somasundaram
5.Ravi
6.Gurusamy
7.Duraisamy
8.Alagarsamy
9.Nagarajan
10.Selvi
11.Kaurppusamy
12.Mahesh
13.P.Kumarasamy
14.Subramani
15.Thangaraj

... Respondents
(in CRP.1640 of 2014)

Versus

1.Ranjitham

... Respondent
(in CRP.1641 of 2014)

COMMON PRAYER: Civil Revision Petitions filed under Section 115 of CPC, pleaded to set aside the Fair and Final order passed in I.A.No.163 of 2012 in A.S.C.F.R.No.8407 of 2012 and I.A.No.164 of 2012 in A.S.C.F.R.No.8404 of 2012 dated 05.09.2013 respectively, on the file of the Principal District Judge, Tirupur.

For petitioner : Mr.S.Saravanan

For Respondents : Mr.N.Manokaran

(for R2 in CRP.No.1640/2014 and
sole respondent in CRP.No.1641/2014)

COMMON ORDER

These Civil Revision petitions have been filed against I.A.No.163 of 2012 in A.S.C.F.R.No.8407 of 2012 and I.A.No.164 of 2012 in A.S.C.F.R.No.8404 of 2012 dated 05.09.2013 respectively, passed by the Principal District Judge, Tirupur, as against the order of dismissal.

2.Heard both sides and perused the materials available on record.

3.It is seen from the records that between the parties there were two suits, one is O.S.No.75 of 2005, seeking partition of the suit property and claiming 1/3 share by one Mylathal, while the said suit O.S.No.20 of 2006 was filed by the respondent/ Ranjtham, seeking for specific performance of the sale agreement.

4.After trial, suit for specific performance in O.S.No.20 of 2006 was decreed well O.S.No.75 of 2005 filed for partition was dismissed and hence, the petitioner herein namely Maylathal preferred two

appeals i.e., A.S.C.F.R.No.8407 of 2012 and A.S.C.F.R.No.8404 of 2012 with petition to condone the delay of 110 days in filing the appeals.

5.Learned counsel for the respondent would contend that though the plea was duly pleaded on medical ground and also produced medical certificates, but, it appears that the learned Judge is not inclined to consider the matter on medical grounds and rejected the cases.

6.After perusing the affidavit filed thereon and also taking note of the fact that Mylathal was aged about 77 filed these revisions and this Court is being satisfied with the reasons assigned in the affidavit filed in support of these petitions, it appears to be bona-fide and hence to give an opportunity to her to contest the case.

7.Taking into consideration, the age is of the petitioner, and being satisfied with the reason for the delay, this Court inclined to set aside the order of the Principal District Judge, Tirupur, dated 05.09.2013 made in I.A.No.163 of 2012 in A.S.C.F.R.No.8407 of 2012 and I.A.No.164 of 2012 in A.S.C.F.R.No.8404 of 2012 respectively. On condition, the Civil Revision petition is allowed on payment of cost of Rs.500/- to the learned counsel in each cases and the orders passed in

the I.A.No.163 of 2012 and I.A.No.164 of 2012 are hereby set aside and ASCFR.No.8407 of 2012 and 8409 of 2012 are restored on file and order to number the appeals.

8. Therefore, the Principal District Judge, Tirupur, is directed to number the appeals and to dispose of the so numbered appeal on priority, within a period of 16 weeks from the date of receipt of a copy of this order.

02.12.2019

Index : yes/no
Internet : yes/no
Speaking/Non-Speaking order
klt

To

The Principal District Judge, Tirupur.

सत्यमेव जयते

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RMT.TEEKAA RAMAN,J.,

klt



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