

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

C.M.P.No. 20219 of 2019
in
C.R.P.SR.No. 115223 of 2019

1. T.V.Shanmugam
2. S.Madeswari

... Petitioners/Petitioners/
Respondents/Respondents/Defendants

-Vs-

N.Ramesh

... Respondent/Respondent/
Petitioner/Petitioner/Plaintiff

Prayer : Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act praying to condone the delay of 817 days in filing the C.R.P.

C.R.P.SR.No.115223/2019:

Petition filed praying to set aside the fair and decreetal order dated 04.03.2017 in R.E.A.No.37/2016 in R.E.P. No. 92/2008 in O.S. No. 1073/2002 on the file of the Subordinate Court, Tiruchengode.

For Petitioners : Mr.S.Alaguraja
For Respondent : Mr.V.K.Vijayaraghavan

O R D E R

This Civil Miscellaneous Petition has been filed to condone the delay of 817 days in filing the above Civil Revision Petition.

2. The Only reason stated by the Revision Petitioners, in the affidavit filed in support of this Revision Petition, for such a huge delay is in paragraph 5 of the affidavit, which reads as follows;

" I respectfully submit that, we have preferred this Memorandum of Revision against the Judgment and Decree of the Court of the Subordinate Judge, Tiruchengode R.E.A.No. 37 of 2016 and dated 04.03.2017. The revision petitioner try to various

occasion as filing the civil revision petition before this Honourable Court the petitioner unfortunately physically sick and he was away from the civil proceedings since, delay was aroused filing this revision petitioner from the date 04.07.2017 to 06.09.2019 in around 817 days."

3. I have heard the learned counsel appearing for the Revision Petitioners in M.P as well as the learned counsel appearing for the respondent.

4. Since absolutely no acceptable reason has been given in the said affidavit filed in support of this petition, this Court finds no reason for condoning the delay. Hence, this Court is not inclined to entertain this condone delay petition.

5. The Hon'ble Apex Court repeatedly held that based on sympathy no condonation petition could be allowed without plausible reason. The Court, just for the cause of sympathy, cannot condone the delay, and the petition for condone the delay should necessarily contain reasons to be accepted by the Court and then only delay can be condoned.

6. Relying upon the said principle, this Court is not inclined to entertain this Miscellaneous Petition for condoning the delay, hence the petition is dismissed. Accordingly, unnumbered C.R.P is also dismissed in S.R. stage itself. Registry is directed to return the original papers, if any, available in this Court to the learned counsel for the petitioners.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

kmm
To

The Subordinate Judge,
Tiruchengode.

+1 CC to Mr.V.K.Vijayaraghavan, Advocate sr 94410.

C.M.P.No. 20219 of 2019
in
C.R.P.SR.No. 115223 of 2019

NR(CO)
SP(27/12/2019)