



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (NPD) (MD)No.1054 of 2013

and

M.P(MD) No.1 of 2013

1.M.Ponnambalam
2.Sivaneswari
3.The Nehru Memorial College Committee
(A society Registered under the Societies
Act 21/1860 and under Tamil Nadu Act 27/1975)
Represented by its President M.Ponnambalam
... Petitioners/Respondents 1,2,8
Vs.

1.M.Jeevamani
The Secretary of the Nehru Memorial
College Committee

2.Mahalakshmi ...Respondents 1&2/Petitioners 1&2/
Appellants

3.A.Loganathan

4.P.Balasubramanian ... Respondents 3&4/Respondents 5,7/
Respondents 5,7

PRAYER:- Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the order dated 18.02.2013 passed by the learned Principal District Judge, Thiruchirappalli, in I.A.No.197 of 2010 in A.S.No.SR1237 of 2010.

For Petitioners : Mr.Raghuvaran Gopalen
for Ms.U.Nirmala Rani

For R-1 and R-2 : Mr.V.Singan

ORDER

The above civil revision petition is filed challenging the order dated 18.02.2013 passed in I.A.No.197 of 2010 by the learned Principal District Judge, Thiruchirappalli, condoning the delay of 1861 days in representing the papers in A.S.No.SR1237 of 2010.



2.The facts in brief which are necessary for disposing of the civil revision petition are as follows:-

The revision petitioners are the plaintiffs in the suit in O.S.No.198 of 2004. Apart from the suit in question three other suits have been filed viz., O.S.No.195 of 2004, 322 of 1989 and 592 of 1989. The evidence was recorded in the Suit in O.S.No.195 of 2004 and a common judgment came to be passed. The decree in O.S.No.195 of 2004 was made ready in time. The defendants challenged the judgment and decree in respective suits and the appeals were filed challenging the judgment and decree in O.S.No.195 of 2004, 322 of 1989 and 592 of 1989. These appeals were numbered. The appeal against the suit in O.S.No.198 of 2004 alone was returned for filing of the original decree. Since the original decree in O.S.No.198 of 2004 had not been drafted, the defendants could not re-present the appeal in time. Therefore, they had represented the appeal with a delay of 1861 days and filed I.A.No.197 of 2010 to condone the delay. This application despite the protest made by the revision petitioners, had been allowed. Challenging the same, the revision petitioners are before this Court.

3.The learned counsel appearing for the revision petitioners would vehemently reiterate the contentions raised in the counter to the said application in I.A.No.197 of 2010.

4.A perusal of the order passed by the learned Principal District Judge would indicate that the copy application though made in time which is on the very next day of the judgment and decree, was made ready with a great delay and the appeal has been re-presented with the said decree immediately and in the interregnum the delay of 1861 days had crept in. Since the delay cannot be attributed to any lapse on the part of the petitioner, the Court below has rightly condoned the delay.

5.I do not find any infirmity in the order passed by the learned Principal District Judge, Trichirappalli. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)



To

The Principal District Judge,
Thiruchirapalli.

WEB COPY

Copy to
The Section Officer
VR Section
Madurai Bench of Madras High Court,
Madurai-2 copies

+1 CC to Mr.U. NIRMALARANI, Advocate (SR-97675[F] dated
12/11/2019)

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and

M.P (MD) No.1 of 2013

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