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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.12.2019

C o r a m

The HONOURABLE MR.JUSTICE T.RAJA

CRP. (MD) .No.738 of 2012

and

M.P. (MD) .No.1 of 2012

Thirupathi

... Petitioner/Petitioner

Vs.

1.Kumaran Sethupathy

... 1st Respondent/Plaintiff

2.Rajammal

3.Krishnammal

4.Muniyandi

.. Respondents 2 to 4/Defendants 2 to 4

Prayer: Civil Revision Petition has been filed under Section 115 of the Civil Procedure Code against the fair and decretal order dated 27.01.2012 made in I.A.No.6 of 2011 in unnumbered Appeal No....of 2011 on the file of Principal District Court, Ramanathapuram.

For Petitioner :No appearance

For respondents :Mr.Arun Nithy for M/s.Veera Associates

ORDER

This Civil Revision Petition is directed against the impugned order dated 27.01.2012, refusing the prayer of the petitioner to condone the delay of 1677 days in filing a petition in I.A.No.6 of 2011 in unnumbered Appeal No....of 2011 on the file of Principal District Court, Ramanathapuram.

2.The petitioner has filed an unnumbered A.S.No.../2011 before the Principal District Court, Ramanathapuram against a compromise decree arrived between the plaintiff and respondents in O.S.No.97 of 1997, dated 30.01.2006, with a huge delay of 1677 days along with an interlocutory application in I.A.No.6 of 2011 in order to condone the delay. Considering the two aspects i.e. firstly, the petitioner was not a party to the suit and secondly, there was a huge delay of 1677 days in filing the appeal, the learned Judge rejected the said I.A. Aggrieved against the same, the present civil revision petition has been filed.

3.None appeared for the petitioner.

4.Learned counsel appearing for the respondents submitted that the petitioner has no locus standi to maintain the petition, since he was not a party to the suit.

5.Taking note of the fact that there was a huge delay of 1677 days and also finding that the reason given by the Court below is in order, this Court is of the view that this civil revision petition has to be rejected.



6. Accordingly, this petition is dismissed. No costs.
Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (Crl.side)

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// True Copy //

Sub Assistant Registrar (CS)

12.12.2019

vs

To.

The Principal District Judge,
Ramanathapuram.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-104816[F]

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