



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

CRP(MD).No.740 of 2019 (NPD)

WEB COPY

Jeyakumar ... Petitioner/Petitioner/Appellant

Vs.

Narayanan ... Respondent/Respondent/Plaintiff

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the decreetal order in I.A.No.965 of 2018 in unnumbered A.S.No..... of 2018 dated 02.01.2019 on the file of the Principal District Judge, Madurai.

For Petitioner : Mr.J.Gunaseelan Muthiah

O R D E R

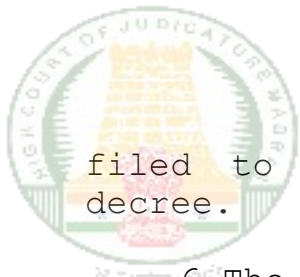
This Civil Revision Petition has been filed by the petitioner to set aside the decreetal order dated 02.01.2019 passed in I.A.No.965 of 2018 in unnumbered A.S.No..... of 2018 by the Principal District Judge, Madurai.

2.Heard Mr.J.Gunaseelanmuthiah, learned counsel appearing for the petitioner.

3.The revision petitioner, who is the defendant in the suit in O.S.No.925 of 2010, has filed the present I.A.No.965 of 2018 to condone the delay of 1976 days in representing the main appeal in S.R.No.18590/2012.

4.In the said I.A., the petitioner has contended that he has presented the appeal on 06.08.2012 against the judgment and decree passed by the II Additional Sub Court, Madurai and the same was returned on 05.11.2012 pointing out certain defects to be complied with. After rectifying the defects, the said appeal was once again represented on 20.11.2012 and the same was returned on 04.12.2012. He further contended that since he was suffering from serious illness and he was taking treatment in Kerala, he was not able to inform his counsel regarding the inconvenience and hence, the delay has been occurred.

5.On the other hand, the respondent has contended that no genuine reason found in the petition filed by the petitioner regarding the illness and about the treatment taken in Kerala and the petitioner has not filed any documents to that effect and hence, only with an ulterior motive, the said petition has been



filed to prevent the respondent from enjoying the fruits of decree.

6. The trial Court has observed the contention raised by both sides and considering the attitude of the petitioner in filing the appeal and also representing the same without complying with the defects as directed by the Court and the reason stated for the abnormal delay of 1976 days is not proved by way of any reliable documents and by examining the witness, has dismissed the same.

7. The trial Court has observed that the attitude of the appellant is very much lethargic in filing the appeal and also in representing the same when there is huge delay, for which, no reliable evidence either by oral or documentary is produced to prove his illness as well as the treatment taken. Hence, the purpose observed by the trial Court is that the delay has been caused wantonly and there is no genuineness in the reason and to prevent the respondent from obtaining the fruits of decree, the delay is purposely made, which was very much observed by the trial Court and hence, the order of the trial Court is very reasonable, which does not require any interference.

8. In the result, the civil revision petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal District Judge,
Madurai.

2. The Record Keeper, -2 copies
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s. J. GUNASEELANMUTHIAH, Advocate (SR-64448[F] dated 30/04/2019)

NS

CRP (MD) .No. 740 of 2019 (NPD)
29.04.2019