



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2019

CORAM

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

**C.R.P (MD) No.1135 of 2019**

M.Ganesan

.. Petitioner/Appellant/Plaintiff

Vs.

1.P.Rajendran

2.P.Mohanakrishnan

.. Respondents/Respondents/Defendants

**PRAYER:** Civil Revision Petition is filed under Section 115 C.P.C. against the fair and decretal order dated 29.10.2018 made in I.A.No.575 of 2018 in Unnumbered A.S.No.- of 2018 by the Principal District Court, Madurai.

For petitioner

: Mr.A.MU.Sharavanan

**ORDER**

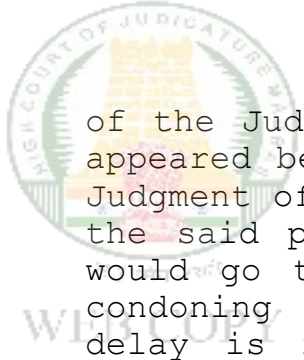
Against the dismissal of petition seeking to condone the delay of 680 days in filing appeal suit, this revision has been filed.

2.The petitioner / plaintiff filed O.S.No.314 of 2014 before the Principal Sub Court, Madurai, for the relief of mandatory injunction and the same was dismissed. Since there was a delay 680 days in filing appeal, the petitioner filed I.A.No.575 of 2018 before the Court below. The Court below has dismissed the same. Against which, the present Civil Revision Petition has been filed.

3.The learned counsel appearing for the petitioner / plaintiff would submit that the petitioner was suffering from fever, chest pain and stomach pain on the date of Judgment and his counsel has also shifted his office and therefore, he was not able to meet him. But, the Court below without considering the same, has erroneously dismissed the petition. Thus, he prayed to set aside the same.

4.Heard the learned counsel for the petitioner and perused the materials available on record.

5.Perusal of records shows that the suit was dismissed on 29.01.2016. The reason assigned on the side of the petitioner is that he was suffering from health ailments and his counsel shifted his office. But, in the criminal proceedings initiated by the petitioner against the respondent in C.C.No.575 of 2001 on the file



of the Judicial Magistrate Court No.4, Madurai, the petitioner has appeared before the Court for each and every hearing. Against the Judgment of acquittal dated 09.10.2017, passed by the Trial Court in the said proceedings, the petitioner has also filed appeal, which would go to show that the reason assigned by the petitioner for condoning the delay of 680 days, is utter false. The length of delay is not a minimal one. It is 680 days. It is a settled principle that reason for each and every day delay has to be given. But, there is no proper explanation for such an inordinate delay. The learned Judge after considering the same, has rightly dismissed the petition, which does not warrant any interference from this Court. Accordingly, this Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Principal District Judge,  
Madurai.

2.The Record Keeper,  
V.R. Section,  
Madurai Bench of Madras High Court,  
Madurai. (2 copies)

**ORDER MADE IN**  
**C.R.P(MD)No.1135 of 2019**  
**01.08.2019**

**smn**

JM/04.09.2019/2P/4C