

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2020

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.R.P.(NPD)No.3666 of 2010

and

M.P.No.1 of 2010

Murugesan

... Petitioner

...Versus...

1.Subbulakshmi

2.Muthayammal

3.Marathal

... Respondents

PRAYER:This Civil Revision Petition has been filed under Article 227 of Constitution of India, against the fair and decreetal order in I.A.No.103 of 2010 in AS.SR.No.10010 of 2008 dated 29.06.2010 on the file of Subordinate Judge, Sathyamangalam.

For Petitioner

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Mr.S.Kamadevan

For Respondents

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No appearance

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ORDER

The first respondent filed a suit in O.S.No.234 of 2005 on the file of District Munsif Court, Sathyamangalam for partition and preliminary decree was passed. As against which they have filed I.A.No.233 of 2009 for passing of final decree and final decree was also passed. Thereafter, challenging the final decree proceedings, the petitioner herein filed A.S.SR.10010 of 2008 on the file of the Sub-Court, Sathyamangalam, which was re-numbered as I.A.No. 103 of 2010 with a petition to condone the delay in preferring the appeal.

2. The said condonation petition in I.A.No.103 of 2010 was dismissed by the learned Sub-Judge, Sathyamangalam, on the ground that he filed an application to set aside the final decree proceedings and the same was dismissed and the final decree proceedings was passed on 30.04.2009. Again, he filed an application i.e., also dismissed and hence, though he filed an appeal with condonation delay, he has not offered any reasonable and acceptable explanation for the delay of 280 days in preferring the appeal against the final decree proceedings.

3. The order passed by the learned Sub-Judge, Sathyamangalam, does not suffer from any factual error and taking into consideration of the conduct of the party with regard to dilatory tactics adopted by him in preferring the final decree proceedings and also sleeping over the matter after passing of the final decree proceedings. Hence, the order passed by the learned Sub-Judge, Sathyamangalam, in I.A does not call for an interference by this Court.

4. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected M.P is closed.

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Index:Yes/No
Internet:Yes/No
Speaking Order:Yes/No
To

The Subordinate Judge, Sathyamangalam.

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RMT.TEEKAA RAMAN,J.,

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