

C.M.P.No.13193 of 2020
in
C.R.P.(SR)No.80150 of 2020

RMT.TEEKAA RAMAN,J.,

The plaintiff in the suit is the revision petitioner herein.

2. The petitioner/plaintiff has filed a suit for partition. The said suit was decreed on 26.02.2007 and hence he has preferred I.A in unnumbered A.S.No. in the year 2010 and as there was a delay of 1240 days in preferring the appeal, he has filed a petition to condone the said delay on the ground that after the receipt of the service notice of the judgment and decree, the certified copies were kept in disposed cases of the previous Advocate office and therefore, appeal could not be filed in time. Except the said reason, no other reason was assigned. The learned Principal Sub-Judge, Krishnagiri by an order dated 01.02.2011 dismissed the petition holding that there is no sufficient cause to condone the delay of 3 years 145 days. Thereafter it appears that now only the plaintiff has filed the above C.R.P in C.R.P.SR.No.80150 of 2020, wherein he filed the above C.M.P.No.13193 of 2020 to condone the delay of 3240 days in filing the above C.R.P.

3. The learned counsel for the petitioner has submitted that the petitioner is an old age person and he was not vigilant and leniency can be shown to him.

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4. Admittedly, the suit filed by him was dismissed on 26.02.2007. He preferred appeal after 3 1/2 years and hence, I.A.No.92/2010 to condone the delay in preferring the Review Appeal was dismissed 10 years ago namely on 28.12.2009. Now he has preferred C.R.P to condone the delay of 3240 days. As there is no sufficient cause, I am not inclined to allow the petition.

5. Accordingly, this Civil Miscellaneous Petition is dismissed.

04.12.2020

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