

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.No.1967 of 2018 and  
CMP.No.11393 of 2018

Elamaran

..Petitioner

Vs.

1.Mageshbabu  
2.V.M.S.T.Muneeswaran

..Respondents

PRAYER:

The Civil Revision Petition is filed under Section 115 of CPC against the fair and decretal order of the learned Subordinate Judge, Nagapattinam made in IA.No.3 of 2017 in unfiled AS.No. of 2017 dated 23.03.2018

For Petitioner : Mr.P.Dinesh Kumar

For Respondents : No Appearance

**ORDER**

This Civil Revision Petition is filed against the fair and decretal order of the learned Subordinate Judge, Nagapattinam made in IA.No.3 of 2017 in unfiled AS.No. of 2017 dated 23.03.2018,

thereby allowing the petition to condone the delay in filing the appeal suit.

2. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed suit for recovery of money and the same was allowed. Aggrieved by the same, the first respondent filed appeal suit with delay of 1243 days in filing the appeal suit and the same was allowed on condition that the first respondent shall pay a sum of Rs.3,000/- as cost to the petitioner herein. Aggrieved by the same, the present civil revision petition has been filed.

3. The learned counsel for the petitioner would submit that after allowing the petition, the first appellate court numbered the appeal suit and it is pending for disposal.

4. Considering the above submission, this Court finds no merits in this petition and this civil revision petition is liable to be dismissed. However, the court below allowed the petition to condone the delay of 1243 days by imposing only Rs.3,000/- as cost. Considering the same, the first respondent is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) as cost to the petitioner within a period of two weeks from the date of receipt of copy of this

order. Further, the appellate court is directed to dispose of the appeal within a period of three months from the date of receipt of copy of this order, if not already disposed of.

5. With the above directions, this civil revision petition is dismissed. Consequently, miscellaneous petition is closed. No order as to costs.

29.04.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No  
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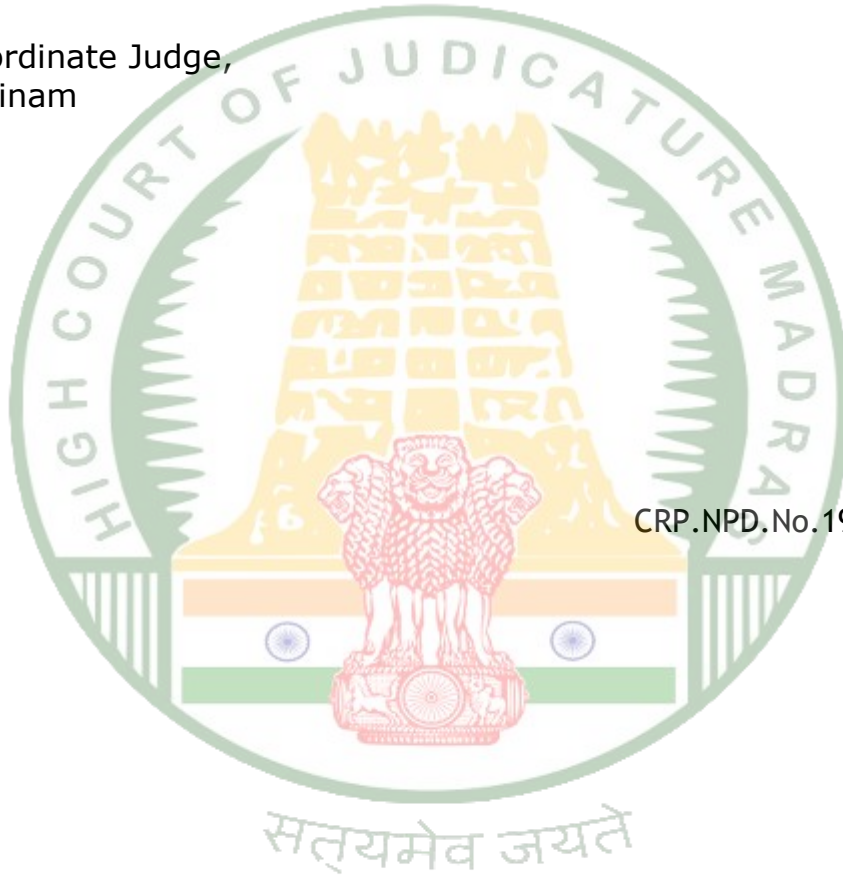
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**G.K.ILANTHIRAIYAN,J.**

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To

The Subordinate Judge,  
Nagapattinam



CRP.NPD.No.1967 of 2018

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