



C.R.P. (NPD) No.1241 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Civil Revision Petition (NPD) No.1241 of 2021

J.Chandran

.. Petitioner

Vs.

Smt. Rani Ramraj

.. Respondent

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, praying to set aside the fair and decreetal order dated 04.02.2021 in I.A.No.11 of 2019 in A.S.C.F.R. No.120 of 2018 passed by the Sub Court, Udthagamandalam.

For Petitioner : Mr. A.Suresh Sakthi Murugan

For Respondent : Mr.P.K.Harinath Babu

ORDER

This Revision is directed against an order of the Appellate Court passed in ASCFR No.120 of 2018, dismissing the application for condonation of delay of 237 days in representing the appeal.



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2. The Appeal was filed challenging the judgment and decree of the Trial Court dated 22.09.2017. The Appeal was filed in time. The Appeal was returned on the ground that there were certain typographical errors in the judgment and decree of the Trial Court and a month's time was granted for representing the Appeal. The petitioner could not take steps to get the mistakes corrected as he fell ill and he could not move the Trial Court for correction of the mistakes immediately. Hence the delay of 237 days occurred.

3. The learned Appellate Judge dismissed the application on the ground that the petitioner has not given proper particulars in the application seeking condonation of delay. I am unable to agree with the learned Appellate Judge. The Hon'ble Supreme Court and this Court have repeatedly held that the Courts must be liberal in condonation of delay and when it is condonation of delay in representation, the same cannot be viewed strictly and certain leverage should be given. The Appellate Judge has found fault with the petitioner for not giving proper particulars.



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5. Hence, this Revision is allowed, the delay of 237 days in representing the Appeal is condoned. The Appellate Court namely, the Sub Court, Udthagamandalam, is directed to number the Appeal and dispose it off on merits in accordance with law. No costs.

18.11.2021

Index: Yes/No
Internet: Yes
Speaking order
jv



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R.SUBRAMANIAN, J.

jv

To

1. The Sub Judge,
Udhagamandalam
2. The Section Officer,
V.R.Section,
High Court of Madras.

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