

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2021

CORAM

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

CRP.NPD.No.2622 of 2016

and

CMP.No.13525 of 2016

- 1.The District Collector,
Collectorate,
Salem
- 2.The Project Officer,
District Rural Development Agency,
Salem
- 3.The Block Development Officer,
Sankari Panchayat Union Office,
Sankari

..Petitioners

Vs.

- 1.Arukkaniyammal
- 2.Chettia Gounder @ Ganesan

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against order dated 22.04.2014 passed in IA.No.26 of 2013 in unnumbered AS.No. of 2013 on the file of the Subordinate Judge, Sankari.

For Petitioners : Mr.R.Balaramesh
For Respondents : M/s.A.S.Neela Narayani
for Mr.A.Damodaran

ORDER

The civil revision petition is filed against order dated 22.04.2014 passed in IA.No.26 of 2013 in unnumbered AS.No. of 2013 on the file of the Subordinate Judge, Sankari thereby dismissing the petition to condone the delay in filing the appeal suit.

2. The petitioners are the defendants in the suit filed by the respondents for permanent injunction and mandatory injunction. The said suit was decreed by the judgment and decree dated 20.01.2012. Aggrieved by the same, the petitioners filed appeal suit with delay of 398 days in filing the appeal suit.

3. On perusal of the affidavit filed in support of the condone delay petition revealed that the petitioners engaged in heavy works for implementing government various welfare and development schemes in the panchayat union. Therefore, they could not able to meet their Government Pleader to instruct him for filing appeal suit as against the judgment and decree passed in OS.No.28 of 2009. Therefore, there is a delay of 398 days in filing the appeal suit. The court below dismissed the condone delay petition for the reason that no sufficient reasons stated in

the petition to condone the delay of 398 days. Considering the above, the petitioners may be given one more opportunity to get along with the appeal suit.

4. Therefore, this civil revision petition is allowed and the order dated 22.04.2014 passed in IA.No.26 of 2013 in unnumbered AS.No. of 2013 on the file of the Subordinate Judge, Sankari is set aside on cost. The petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the respondents directly within a period of two weeks from the date of receipt of copy of this order, failing which the order passed by this Court shall stand automatically cancelled. If the petitioners comply with the said condition, the appellate court is directed to number the appeal suit and dispose of the same within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

19.03.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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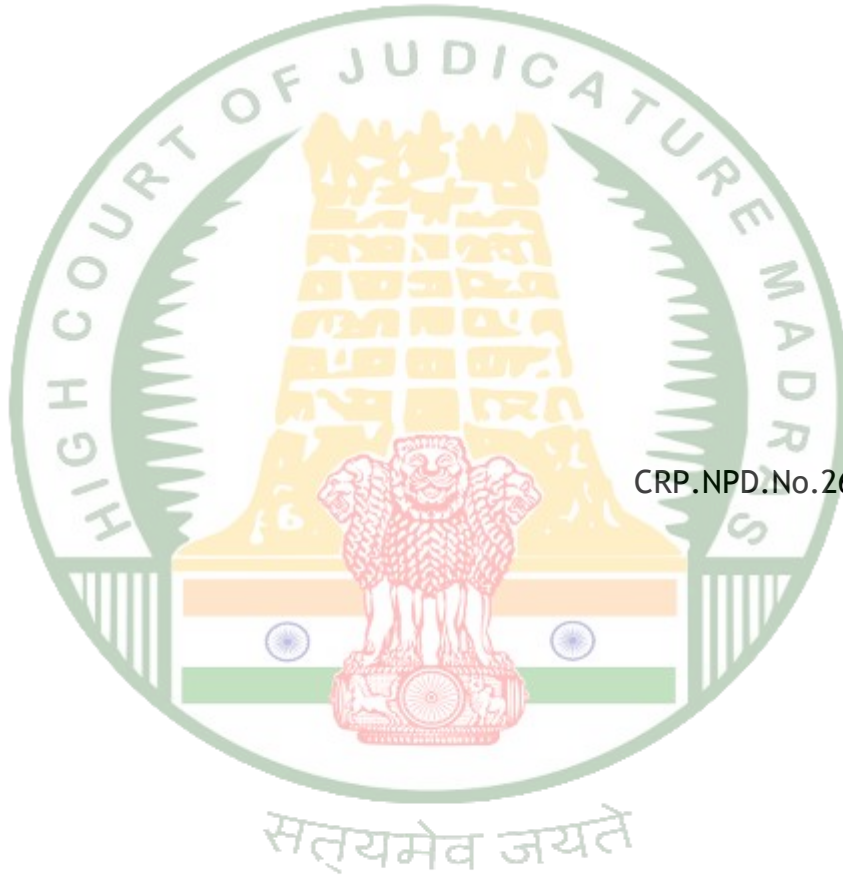
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G.K.ILANTHIRAIYAN,J.

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To

The Subordinate Judge,
Sankari



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