

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(NPD) No.2485 of 2018

S.Shanthi

... Petitioner

Vs

1.B.Baby

2.K.Geetha

3.M.Rani

4.P.Indira

5.K.P.Premkumar

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC, against the common order and decreetal order dated 08.02.2018 made in I.A.Nos.646, 647 of 2017 in O.S.No.14619 of 2010 on the file of IV Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.A.Arulmozhi

For Respondents : Mr.J.Ravikumar for R2 and R3
R1, R4, R5 - Not Ready in Notice
and No Appearance

ORDER

This Civil Revision Petition is filed against the common order and decreetal order dated 08.02.2018 made in I.A.Nos.646, 647 of 2017 in O.S.No.14619 of 2010 on the file of IV Assistant Judge, City Civil Court, Chennai, thereby dismissing the applications to condone the delay of 1002 days in filing the restoration of the suit.

2. The petitioner herein is the plaintiff and the respondents herein are the defendants in the said suit. The petitioner herein filed a suit for partition in respect of the suit property to an extent of 413 sq.ft.

3. Pending the suit, there was a settlement between the parties and accordingly, the petitioner herein settled the property ad measuring one ground situated at Maraimalainagar Municipality vide Document No.11840 of 2012 dated 10.12.2012 on the file of the Joint II Sub Registrar, Chengalpet. On receipt of the same, the petitioner herein did not pursue the suit. Therefore, the suit was dismissed for default on 29.11.2013.

4. After a period of 3 years, the petitioner herein filed an application to condone the delay of 1002 days in filing the restoration petition to restore the suit. On perusal of the affidavit filed in support of the condone delay application, it revealed that the respondents herein have admitted the petitioner's share in the suit property and the petitioner herein believe that the respondents 3 to 5 herein will give her actual possession of her 1/4th share and settle the matter amicably. Therefore, she did not follow the case, believing the matter will be settled.

5. Having been received the property situated at Maraimalainagar by the settlement deed dated 10.12.2012, again the petitioner herein wants to pursue the suit by way of restoring the suit for the delay of 1002 days, there is absolutely no reason stated by the petitioner herein. Therefore, the Court below rightly allowed the amendment application and this Court finds no infirmity or illegality in the order passed by the Court below.

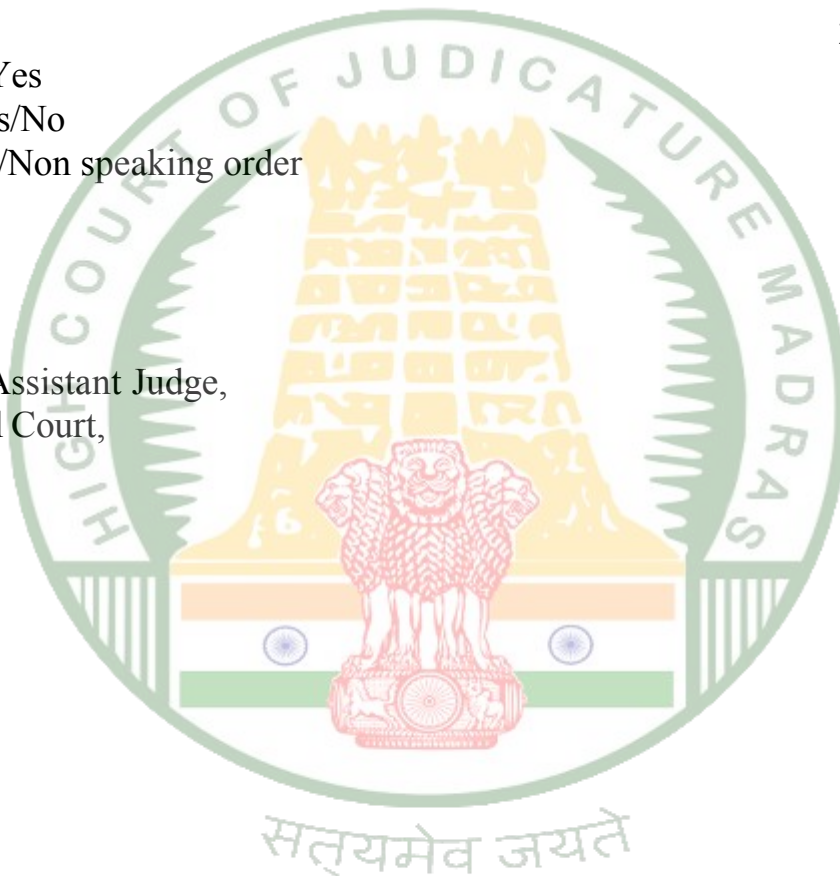
6. Accordingly, this Civil Revision Petition is dismissed. No order as to costs.

26.07.2021

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
rna

To

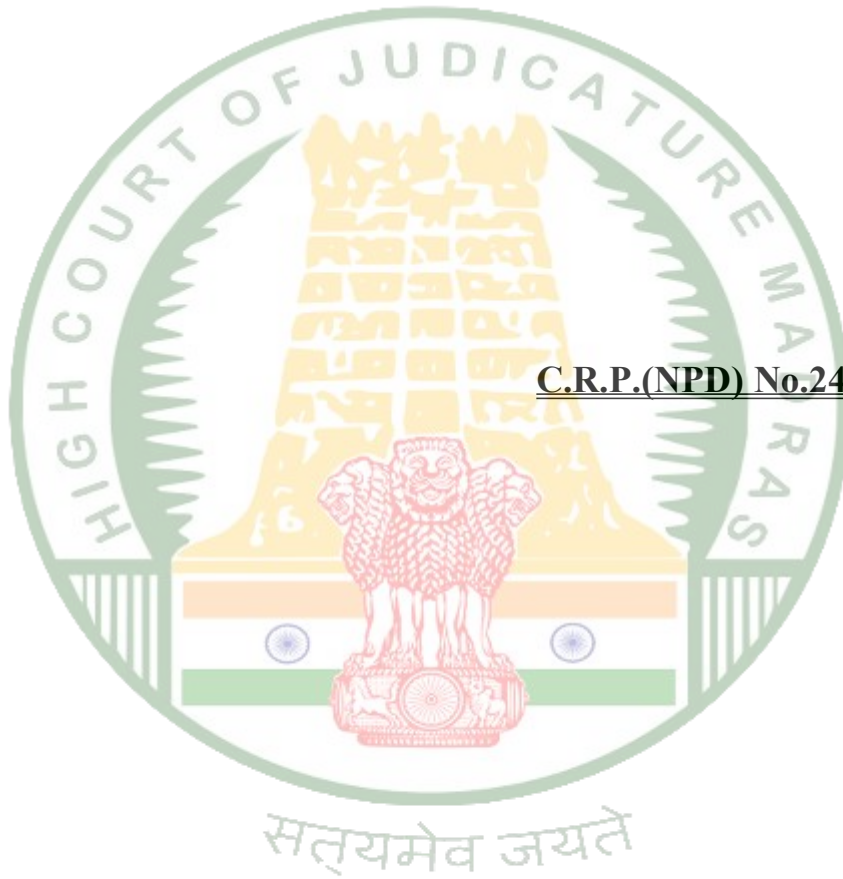
The 4th Assistant Judge,
City Civil Court,
Chennai.



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G.K.ILANTHIRAIYAN. J,

rna



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