

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(NPD) No.81 of 2018

Prema

... Petitioner

Vs

1.Pappathi
2.Suppan
3.Periyasamy @ Ponnusamy
4.Official Receiver,
District Court Campus,
Salem.

5.Angammal
6.Vijaya
7.Kuppayee
8.Peththayee
9.Angammal
10.Chinnammal

... Respondents

WEB COPY

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and Decretal Order dated 24.08.2015 in I.A.No.7

of 2013 in Un Numbered C.M.A. of 2013 on the file of the Principal District Judge, Namakkal.

For Petitioner : Mr.S.Kalyanaraman

For Respondents : R1 to R3, R5 - Died and Steps Due
R4, R6 to R10 - No Appearance

ORDER

This Civil Revision Petition is filed against the Fair and Decreetal Order dated 24.08.2015 in I.A.No.7 of 2013 in Un Numbered C.M.A. of 2013 on the file of the Principal District Judge, Namakkal, thereby dismissing the petition to condone the delay in representation.

2. The petitioner filed an appeal as against the order passed in I.P.No.92 of 1972 on the file of the Subordinate Court, Namakkal. The said appeal was returned for some defects. It was represented with the delay of 732 days for the reason that she fell ill and therefore she could not contact her counsel. Thereafter, the bundle was misplaced and mingled with the

other case bundles in the Advocate Office. After tracing out the bundle, it was represented with the delay of 732 days.

3. The Court below dismissed the petition for the reason that the delay of 732 days in representation of the appeal was a huge delay and that the petitioner failed to disclose any particular illness and dates, from when, she suffered from illness.

4. Though the delay is inordinate, dismissing the petition to condone the delay would amount to denying the petitioner to prosecute the valuable right of appeal. Considering the above facts, this Court feels it appropriate to grant opportunity to the petitioner to prosecute the appeal.

5. Therefore, the Order dated 24.08.2015 passed in I.A.No.7 of 2013 in Un Numbered C.M.A.No. of 2013 on the file of the Principal District Judge, Namakkal is set aside, on condition that the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) as costs to the Legal Services Authority, Namakkal within a period of **two weeks** from the date of

receipt of a copy of this order, failing which, the order passed by this Court shall automatically stand cancelled.

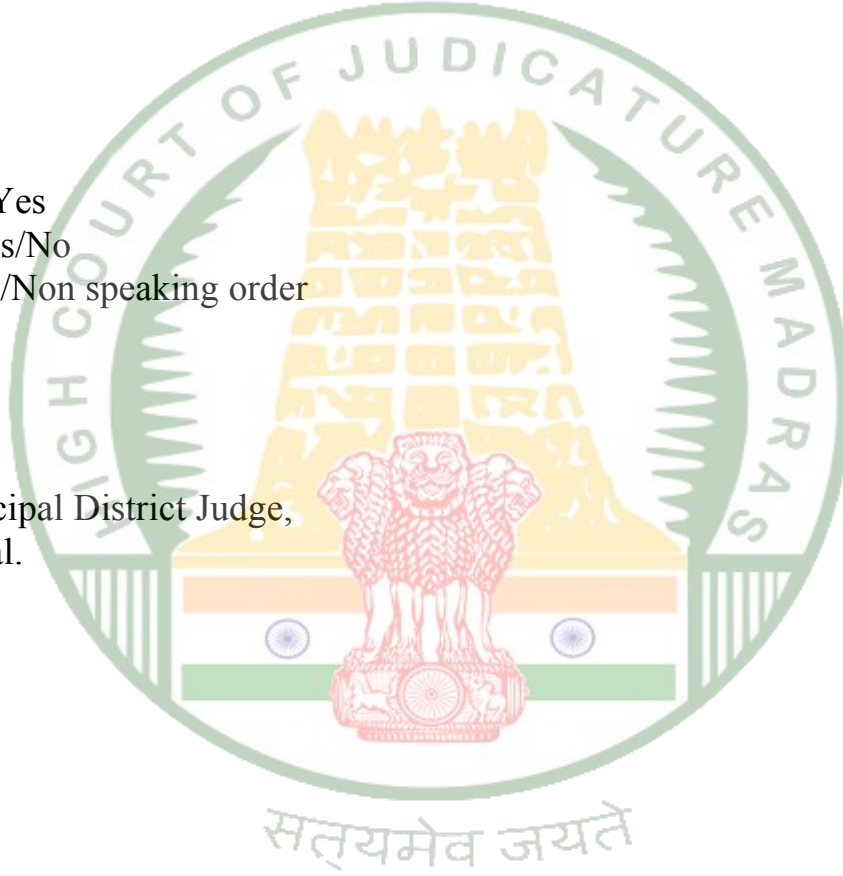
6. Accordingly, this Civil Revision Petition is allowed. No order as to costs.

07.07.2021

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

To

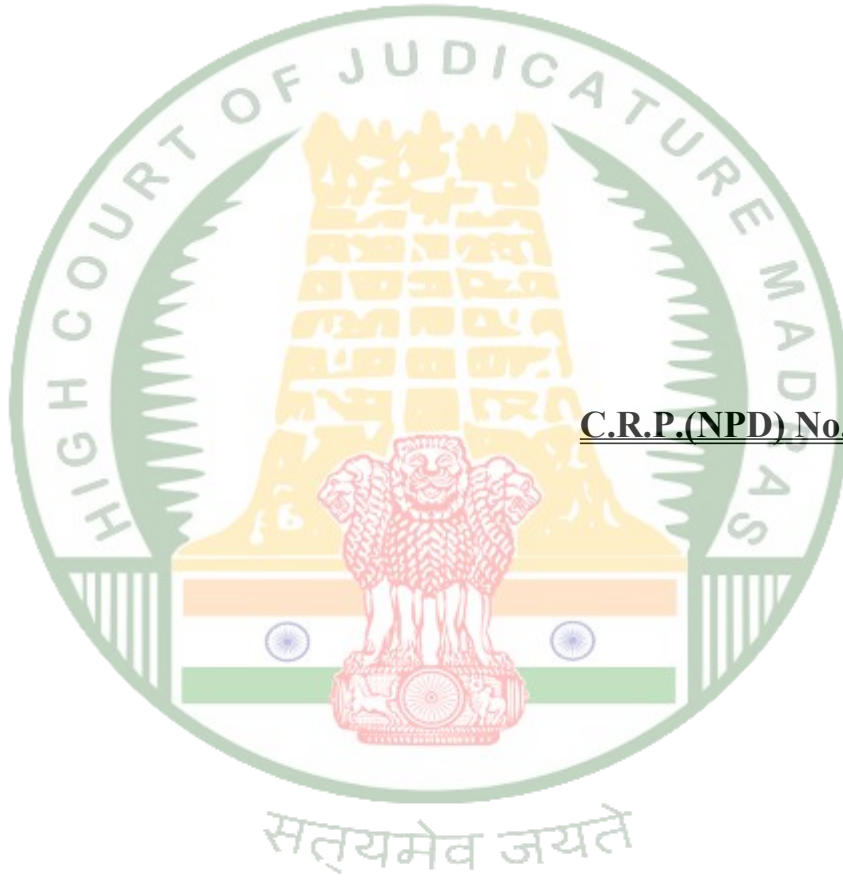
The Principal District Judge,
Namakkal.



WEB COPY

G.K.ILANTHIRAIYAN. J,

rna



C.R.P.(NPD) No.81 of 2018

WEB COPY

07.07.2021