

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2021

CORAM

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

CRP.NPD.No.971 of 2014

and

MP.No.1 of 2014

K.Srinivasan

..Petitioner

Vs.

1.Kannammal(died)

2.Mani

3.Mannammal

(R3 brought on record as the LR of the deceased 1st respondent vide court order dated 03.02.2021 made in CMP.No.10686, 10688 & 10689/2020 in CRP.No.971/14

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal orders dated 14.09.2013 made in IA.No.133 of 2013 in OS.No.145 of 2008 on the file of the District Munsif Court, Uthiramerur.

For Petitioner : Mr.G.Thangavel

For Respondents

R1 : died (steps taken)

R2 & 3 : notice served

ORDER

This Civil Revision Petition is arising out of fair and decretal orders dated 14.09.2013 made in IA.No.133 of 2013 in OS.No.145 of 2008 on the file of the District Munsif Court, Uthiramerur thereby dismissing the petition to condone the delay in filing the petition for restoring the suit.

2. The petitioner is the plaintiff. He filed suit for specific performance in respect of the suit property as against the respondents herein. In fact, the respondents also did not file any written statement. Originally, the suit was filed on the file of the District Munsif Court, Kancheepuram in OS.No.167 of 1997. Thereafter it was transferred to the file of the District Munsif Court, Uthiramerur and renumbered as OS.No.145 of 2008. In the interregnum period, the petitioner was suffering from jaundice as such he could not able to contact his counsel. He also failed to appear before the District Munsif Court, Uthiramerur. Therefore, the main suit was dismissed for default. Only after very long delay, the petitioner came to knowledge that the suit was dismissed for default. Therefore, the petitioner filed petition to restore the suit with delay of 1227 days.

3. The learned counsel for the petitioner would submit that the entire sale consideration has been already paid by the petitioner to the respondents and all the original documents were handed over to the petitioner and he is also in possession and enjoyment of the suit property.

4. Considering the above facts, the order dated 14.09.2013 passed by the court below is set aside and the petition in IA.No.133 of 2013 in OS.No.145 of 2008 on the file of the District Munsif Court, Uthiramerur is allowed on condition that the petitioner 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 receipt of copy of this order, failing which the order passed by this Court shall stand automatically cancelled.

5. As above, this civil revision petition is allowed. Consequently, connected miscellaneous petition is closed. No order as to costs.

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05.02.2021

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

lok

G.K.ILANTHIRAIYAN,J.

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To

The District Munsif Court,
Uthiramerur.



CRP.NPD.No.971 of 2014

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