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C.R.P.(NPD).No.2773 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(NPD).No.2773 of 2021

and

C.M.P.No.20174 of 2021

1.Govindappa Naidu

2.Narasimman

.. Petitioners

Vs.

1.Rajammal

2.Shanthi

3.Subramani

4.The Sub Registrar

Office of the Sub-Registrar

Katpadi, Vellore District.

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the exparte decree and judgment made in O.S.No.83 of 2012 dated 27.06.2014 on the file of the learned Subordinate Judge, Vellore and allow this Civil Revision Petition.

For Petitioner : Mrs.Hema Sampath, Senior Counsel



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for M/s.P.C.Harikumar and Associates

ORDER

Challenge in this Revision is to the decree passed in the suit for partition on 27.06.2014.

2. The petitioners seek to invoke supervisory jurisdiction of this Court under Article 227 of the Constitution of India. The claim of the petitioners is that, pending the suit for partition, launched by the sisters, there was a settlement and the sisters agreed to withdraw the suit. Believing them, the petitioners did not pursue the suit. Acting against the assurance given, the respondents have gone ahead and obtained the *ex parte* decree. Therefore, the decree has to be set aside. Certain flaws in the judgment and decree of the trial Court are projected as reasons to invoke the supervisory jurisdiction under Article 227 of the Constitution of India.

3. I do not think, I can entertain the Revision, after 7 years from the date of decree. The Revision being one under Article 227 of the Constitution of India, the petitioners will have to show that there was no



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latches. It appears that it is a clear case where the petitioners have slept over their rights for over 7 years. Hence, I do not propose to allow the petitioners to raise such a contention in this Revision.

4. The Revision therefore fails and it is accordingly **dismissed** solely on the ground of latches. It is open to the petitioners to approach the trial Court seeking to set aside the *ex parte* decree explaining the delay. If such an attempt is made by the petitioners, the trial Court is required to dispose of the same, without being influenced, in any manner, by the observations made herein above. No costs. Consequently, the connected miscellaneous petition is closed.

14.12.2021

dsa

Internet : Yes

Index : No

Speaking order



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R.SUBRAMANIAN, J.

dsa

To

The Subordinate Judge, Vellore.

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