

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2021

CORAM

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

C.R.P.(NPD) No.1584 of 2017

K.Palanisamy ... Petitioner

Vs.

Venkadachalam ... Respondent

Prayer :- Civil Revision Petition is filed under Section 115 of the Civil Procedure Code to set aside the order dated 24.09.2013 in I.A.No.336 of 2013 in I.A.No.79 of 2012 in A.S.C.F.R.No.11875 of 2012 on the file of the Principal District Judge, Tiruppur.

For Petitioner : M/s.J.Kingsly Solomon

For Respondents : Mr.J.Hariharan
for M/s.V.Nicholas

ORDER

This Civil Revision Petition is filed against the order dated 24.09.2013 made in I.A.No.336 of 2013 in I.A.No.79 of 2012 in A.S.C.F.R.No.11875 of 2012 on the file of the Principal District Judge, Tiruppur, thereby dismissing the petition to condone the delay in filing to restore the petition.

2. The petitioner is the defendant in the suit filed by the respondent. The respondent filed a suit for recovery of money. After contest, the suit was decreed by a Judgment and Decree dated 23.12.2009. Aggrieved by the same, the petitioner filed an Appeal Suit with a delay of 327 days before the District Court, Coimbatore. Due to bifurcation of District, it was transferred to the file of District Court, Tiruppur and renumbered as I.A.No.79 of 2012. Since no notice was served to the petitioner, it was dismissed for default on 29.10.2012. After coming to understand that the condone delay petition was dismissed for default, he filed a petition to restore the Appeal Suit with a delay of 153 days and the same was dismissed. Aggrieved by the same, the petitioner filed the present Civil Revision Petition with the delay of 536 days in filing the Civil Revision Petition.

3. The Civil Revision Petition was returned for some corrections and the same was re-presented with delay of 642 days. However, this Court allowed the petition to condone the delay in re-presentation as well as the petition to condone the delay in filing the Civil Revision Petition. It shows that the tactics adopted by the petitioner.

4. The learned counsel for the petitioner would submit that the petitioner may be given one more opportunity to pursue his appeal suit.

5. Considering the above, the order passed by the trial Court in I.A.No.336 of 2013 in I.A.No.79 of 2012 in A.S.C.F.R.No.11875 of 2012, dated 24.09.2013 on the file of the Principal District Judge, Tiruppur, is set aside. The Civil Revision Petition is allowed. The petitioner shall deposit the entire decree amount within a period of four weeks from today before the Trial Court in the account of the suit, failing which the order shall stand automatically cancelled. On such deposit, the Appellate Court is directed to restore the Appeal and dispose of the same on merits and in accordance with law, within a period of three months. No costs.

सत्यमेव जयते

31.03.2021

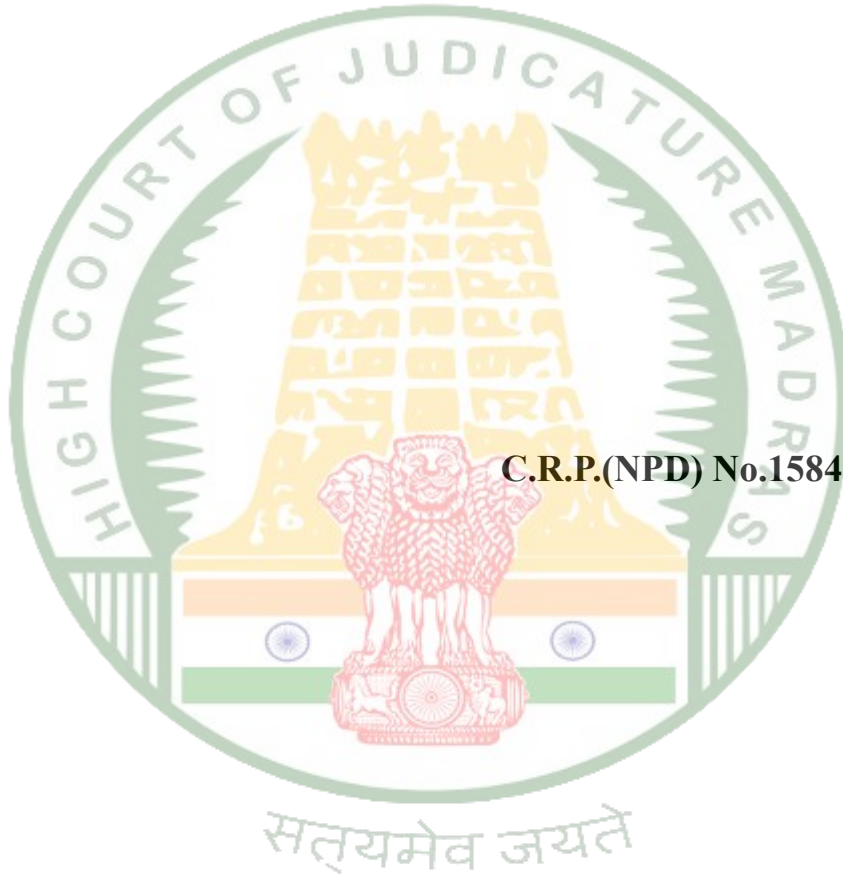
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Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No

To
The Principal District Judge,
Tiruppur.

G.K.ILANTHIRAIYAN.J,

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