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C.R.P. (NPD) No.1844 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.12.2021

CORAM:

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

C.R.P.(NPD).No.1844 of 2017

1.Venkatesan

2.Devagiammal

3.Parameswari

4.Gajalakshmi

...Petitioners

Versus

1.Kanchana

2.N.Ramakrishnan

...Respondents

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, against fair and decreetal order dated 09.03.2017 passed in I.A.No.17 of 2017 in O.S.No.43 of 2012 on the file of I Additional District and Session Court, Vellore.

For Petitioners : M/s.R.T.Sundari

For R1 : Mr.C.Thilagaraj

For R2 : No Appearance



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ORDER

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This Civil Revision Petition has been filed against fair and decreetal order dated 09.03.2017 passed in I.A.No.17 of 2017 in O.S.No.43 of 2012 on the file of I Additional District and Session Court, Vellore.

2.Heard the learned counsel for the petitioners and there is no representation on behalf of the 2nd respondent.

3.The petitioners are the defendants 1 to 4 in the suit. The said suit was dismissed. Hence, the petitioners filed a petition under Section 5 of the Limitation Act to condone the delay of 79 days in filing the application under Order 9 Rule 13 of C.P.C. The said petition was dismissed. As against which, the petitioners filed the present civil revision petition.

4.It is submitted by the learned counsel for the petitioners that due to viral fever, the petitioners could not appear before the trial Court, hence, the delay of 79 days had been occurred and the trial Court, without considering the submission of the petitioners erroneously dismissed the petition and sought for allowing this petition by setting aside the order of the trial Court.



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5.This Court by taking into consideration of the submissions made by the learned counsel for the petitioner, is inclined to allow this petition.

6.Accordingly, this Civil Revision Petition is allowed and the order dated 09.03.2017 made in I.A.No.17 of 2017 in O.S.No.43 of 2012 passed by the I Additional District and Sessions Judge, Vellore, is set aside. No costs.

10.12.2021

gbi

Index: Yes/ No
Speaking Order / Non-Speaking Order

To

The I Additional District and Session Judge,
Vellore.



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S.KANNAMMAL, J.,

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