

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2021

CORAM

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

C.R.P.(NPD) No.2428 of 2017

Pappathi

... Petitioner

Vs.

1. Sureshbabu
2. Jayammal
3. Eswari
4. Nallammal
5. Govindan
6. Loganathan
7. M.G.Rajagopal
8. V.Suseela
9. Kandasamy
10. Elango
11. S.Venkatasubbakrishnan
12. S.Palanimuthu
13. Palani Velayutham
14. Kangatharan
15. R.Rangasamy
16. Sivabakkiyam
17. A.Chandradasan
18. B.Panchalamai
19. I.Chandrasekaran
20. Dhanalakshmi
21. R.E.K.Krishnamurthy
22. M.Rajagopal
23. P.Arumugam

24. Chinnusamy
25. T.A.Jayasankar
26. Jayalakshmi
27. Periyakkal
28. Thavamani
29. Kanchanaa
30. Sivakami
31. Somasundaram
32. Jayapal
33. Baskaran
34. Amsaveni

(Notice to the respondents 2 to 34
given up in this CRP)

... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 05.01.2017 made in I.A.No.15 of 2011 in unnumbered A.S.No. of 2011 on the file of the learned Sub Court, Rasipuram.

For Petitioner : Mr.N.Manokaran

For Respondent

For R1 : No appearance

R2 to R34 : Given up

ORDER

This Civil Revision Petition has been filed as against the fair and decreetal order dated 05.01.2017 passed by the learned Subordinate Judge, Rasipuram, in I.A.No.15 of 2011 in unnumbered A.S.No. of 2011, thereby dismissing the petition to condone the delay of 2665 days in filing the appeal suit.

2. The first respondent filed suit for declaration and consequential injunction in which, the petitioner is the 13th defendant. The petitioner and other defendants contested the suit by filing the written statement and the suit was decreed in favour of the first defendant by the judgment and decree dated 25.07.2003. Thereafter the petitioner or other defendants did not file any appeal suit till the year 2011. On perusal of records it revealed that in the year 2010, on the strength of the judgment and decree, the first respondent filed execution petition and the petitioner engaged counsel to appear before the Execution Court. Even then, she did not prefer any appeal suit as against the judgment and decree.

3. On perusal of the affidavit filed in support of the condone delay petition, the petitioner stated that the counsel on record who appeared on behalf of the petitioner before the trial Court failed to inform about the judgment and decree passed in the suit as such, she did not prefer the appeal. Per contra on her cross examination, she categorically admitted that from time to time, her counsel informed about the status of the case and also judgment and decree passed in favour of the first respondent herein.

Therefore, the petitioner failed to state the sufficient cause for the delay of 2665 days in filing the appeal suit. Therefore, the Court below rightly dismissed the petition and this Court finds no illegality or infirmity in the order passed by the Court below.

4. Accordingly, the Civil Revision Petition stands dismissed.

There shall be no order as to costs.

05.03.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

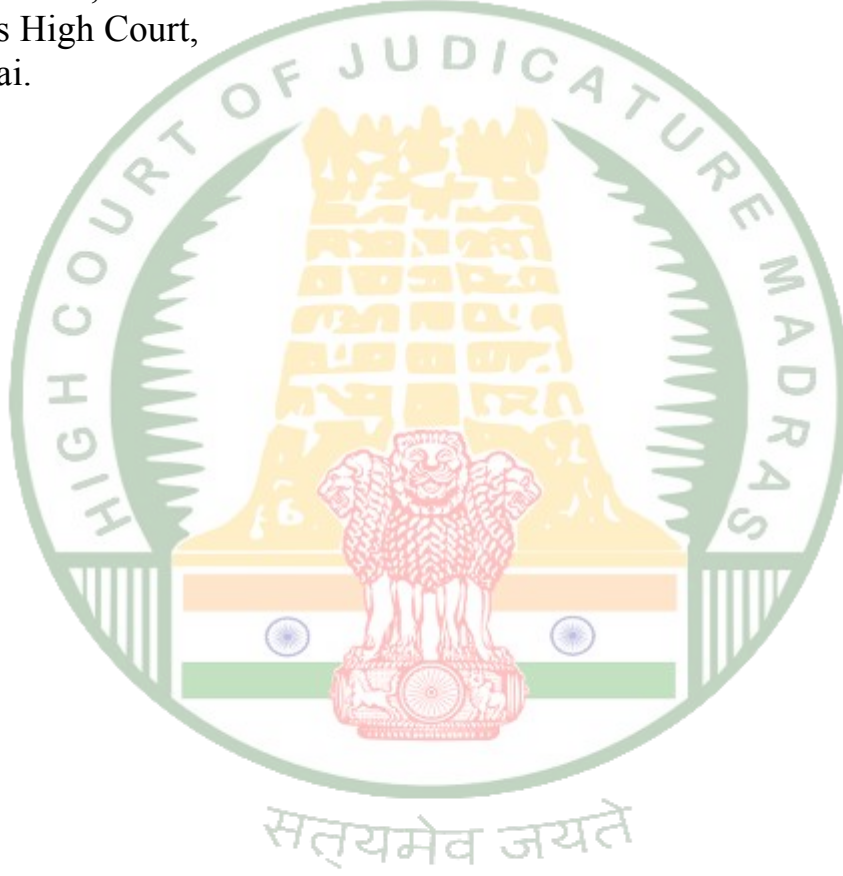
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To

1. The Subordinate Judge,
Rasipuram.
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

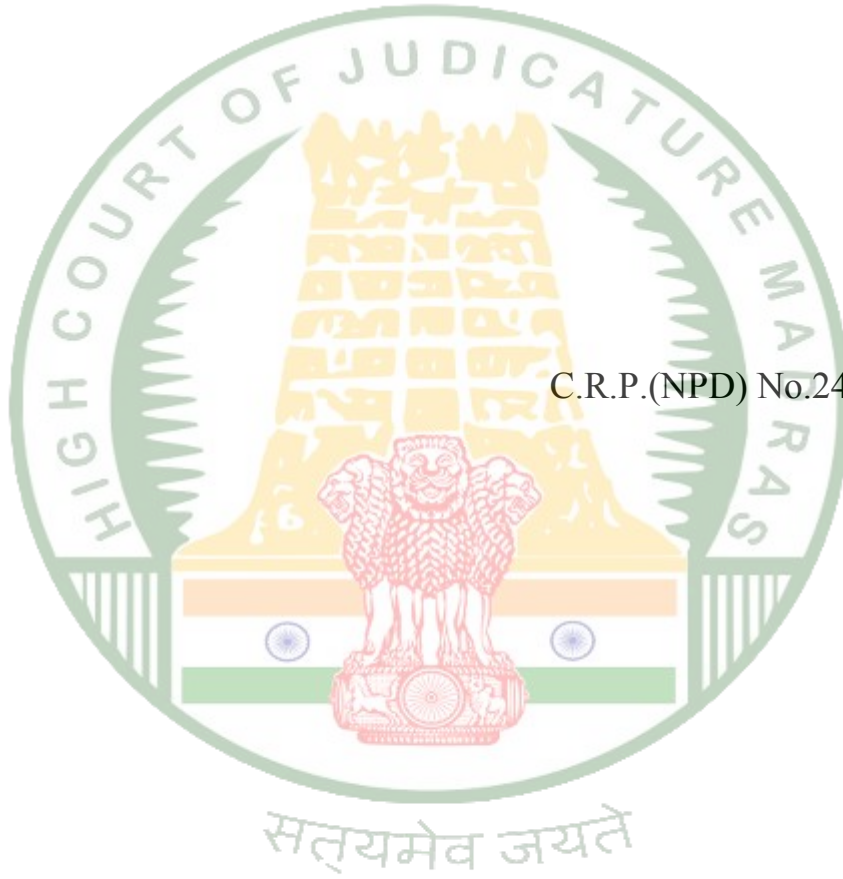


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G.K.ILANTHIRAIYAN, J.

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