

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRP(NPD).No.2641 of 2017

and

CMP.No.12580 of 2017

1.Danabal

2. Ravichandran

... Petitioners

Vs.

Rajagopal

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order in I.A.No.74 of 2015 in unnumbered CMA of 2015 dated 04.02.2017 by the learned Subordinate Judge, Mannargudi.

For Petitioners : Mr.M.Devaraj

For Respondent : Mr.P.Dinesh Kumar

ORDER

सत्यमेव जयते

This Civil Revision Petition is directed as against the fair and decretal order passed in I.A.No.74 of 2015 in unnumbered CMA of 2015 dated 04.02.2017 on the file of the learned Subordinate Judge, Mannargudi, thereby, dismissing the petition to condone the delay in filing the Appeal

Suit.

2. The suit was filed by the respondent for partition. The said suit was decreed by the preliminary judgment and decree dated 29.04.2004. Aggrieved by the same, the petitioners did not file any appeal suit. Thereafter, the respondent filed a petition in I.A.No.204 of 2005 for final decree. The same was allowed and the final decree was passed on 08.07.2011. On the strength of the final decree, the respondent filed a petition for delivery of possession in E.P.No.6 of 2012. In the execution petition, the petitioners appeared through their counsel and also filed their counter. After contest the execution petition, was allowed by an order dated 12.03.2015. After passing the order of delivery of possession, the petitioners come forward with the appeal suit as against the final decree dated 08.07.2011 with a delay of 1458 days.

3. As stated supra, the petitioners did not prefer any appeal suit as against the preliminary decree. After having participated in the execution proceedings in E.P.No 6 of 2012 by filing counter and contested the execution petition and also the execution petition was ordered by an order dated 12.03.2015, the petitioners filed an appeal suit as against the final

decree with the delay of 1458 days. On a perusal of the affidavit filed in support of the condone delay petition, there is absolutely no reasons stated by the petitioners to condone the delay of 1458 days. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

16.03.2021

Speaking/Non-speaking order

Index : Yes/No

kv

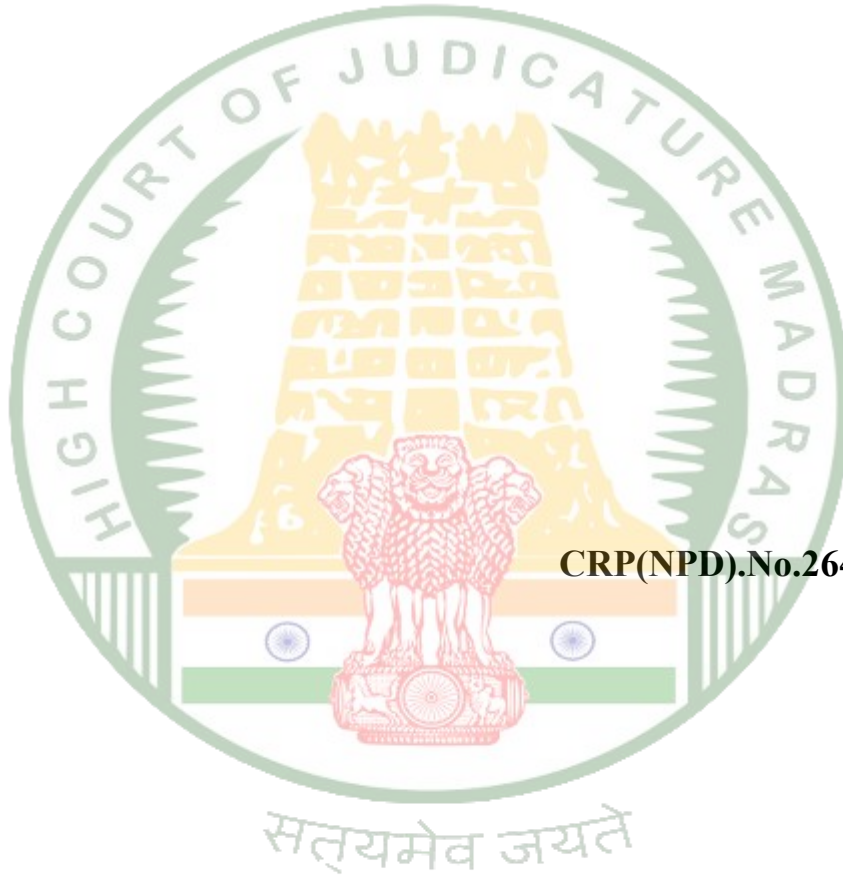
To

1. The Subordinate Judge, Mannargudi.
2. The Section Officer,
V.R.Section, High Court of Madras.

WEB COPY

G.K.ILANTHIRAIYAN,J.

kv



CRP(NPD).No.2641 of 2017

WEB COPY

16.03.2021



WEB COPY