



C.R.P. (NPD) No.471 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2021

CORAM:

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

C.R.P.(NPD).No.471 of 2017

1.Thulasi

2.Mohan

...Petitioners

Versus

Kuppammal @ Jayalakshmi (died)

1.Subramani

2.Jayakumar

3.Suresh Kumar

...Respondents

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the order and decree passed by the learned Sub-Judge, Gudiyatham, Vellore District, dated 23.09.2016 in I.A.No.6 of 2016 in I.A.No.5 of 2015 in A.S.No.Nil of 2015.

For Petitioners

: Mr.A.K.R.Ravi

For R1 to R3

: Mr.M.Marudhachalam



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ORDER

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This Civil Revision Petition has been filed against the order and decree passed by the learned Sub-Judge, Gudiyatham, Vellore District, dated 23.09.2016 in I.A.No.6 of 2016 in I.A.No.5 of 2015 in A.S.No.Nil of 2015.

2.Heard the learned counsel for the petitioners as well as the learned counsel for the respondents and perused the materials available on record.

3.The learned counsel for the petitioners submitted that originally the suit was filed by the petitioners herein, for permanent injunction and after full trial, the suit was dismissed. It is submitted by the learned counsel for the petitioner that while the petitioner herein preferring the appeal, there was a delay of 1523 days and instead of mentioning as 1523 days mistakenly, it is stated that there was a delay of 1425 days. It is further submitted that after filing of counter by the respondents herein, the petitioners filed I.A.No.6 of 2016 for amendment of the petition with regard to the number of days delay. Without considering the merits, the trial Court dismissed the petition. As against which, the petitioners have filed the present Civil Revision Petition.



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4. Though, the learned counsel for the respondents would submit that the petition is not filed in a proper way, this Court is of the view that this amendment petition ought to have been allowed by the trial Court by giving an opportunity to the petitioner to proceed further with the petition filed under Section 5 of Limitation Act. Hence, this Court is inclined to allow the Civil Revision Petition.

5. Accordingly, this Civil Revision Petition is allowed and the order dated 23.09.2016 made in I.A.No.6 of 2016 in I.A.No.5 of 2015 in A.S.No.Nil of 2015 on the file of the learned Sub-Judge, Gudiyatham, Vellore District, is hereby set aside. No costs.

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gbi

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

To

The Sub-Judge,
Gudiyatham,
Vellore District.



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S.KANNAMMAL, J.,

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