



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD)No.1174 of 2020

Ilamathi ... Petitioner

Vs.

1.Magesh Kumar

2.Vijayaragunathan ... Respondents

Prayer : Civil Revision Petition filed under Section 115 C.P.C., to call for the records relating to fair and decreetal order dated 08.01.2020 passed in I.A.No.406 of 2017 in O.S.No.464 of 2010 on the file of the Additional Subordinate Court, Karur and set aside the same by allowing this civil revision petition.

For Petitioner : Mr.I.Velpradeep

ORDER

This civil revision petition has been filed to set aside the fair and decreetal order dated 08.01.2020 passed in I.A.No.406 of 2017 in O.S.No.464 of 2010 on the file of the Additional Subordinate Court, Karur.

2.The petitioner herein is the plaintiff in O.S.No.464 of 2010. The said suit was filed for specific performance. According to the petitioner, the suit was posted on 03.09.2014 and due to jaundice she was not able to appear before the Court below and hence, the suit was dismissed for non-prosecution and the same came to the knowledge of the petitioner only on 29.10.2016. Thereafter, the petitioner filed a petition to restore the suit with a condone delay petition. Though the petitioner explained her case, the Court below dismissed her application. As against the same, the petitioner filed the present civil revision petition.

3.Heard the learned counsel appearing for the petitioner. In view of the order going to be passed, notice to the respondents is not necessary.

4.The petitioner is the plaintiff in O.S.No.464 of 2010. Perusal of the records shows that due to the non-appearance of the



petitioner, the suit was dismissed for non-prosecution. It is stated by the petitioner that due to jaundice, she was not able to appear before the Court below and 765 days delay occurred in filing restoration petition. The learned Judge finding that there is no specific explanation for the delay and considering the fact that the delay petition has been filed without explaining each and every day of delay, dismissed the application for condoning the delay in filing restoration petition, where I do not find any infirmity and therefore the interference of this Court is not warranted. Accordingly, this civil revision petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To
The Additional Subordinate Judge,
Karur.

+1 CC to Mr.I.VELPRADEEP, Advocate (SR-219[F] dated 06/01/2021)

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KM (29.01.2021) 2P 3C