



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2021

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(MD)No.1872 of 2019

D.Sudalaimuthu @ Pethuraj ... Petitioner

vs.

T.Subbiah Nambiar ... Respondent

Petition filed under Section 115 of the Civil Procedure Code, against the fair and decreetal order made in I.A.No.1 of 2019 in unregistered A.S.No. of 2019 on the file of the Principal Sub Court, Tenkasi, dated 25.07.2019.

For Petitioner : Mr.S.Kumar
For Respondent : Mr.S.A.Ajmal Khan

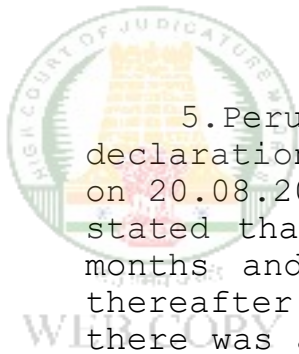
ORDER

This Civil Revision Petition has been filed against the fair and decreetal order made in I.A.No.1 of 2019 in unregistered A.S.No. of 2019 on the file of the Principal Sub Court, Tenkasi, dated 25.07.2019.

2.The learned counsel for the petitioner would state that the respondent/plaintiff filed a suit in O.S.No.454 of 2007 for the relief of declaration and permanent injunction. The said suit was allowed on 20.08.2019. The revision petitioner/defendant has filed I.A.No.1 of 2019 to condone the delay of 2690 days in filing the appeal against the judgment and decree dated 20.08.2019 passed in the suit. The said I.A has been dismissed on 25.07.2019, against which, the present revision petition has been filed.

3.The learned counsel for the petitioner/defendant would state that the revision petitioner has got good case on merits and the Court below ought to have taken pragmatic view in considering the delay condonation petition and instead of throwing the matter on technicalities, the Court below ought to have condoned the delay to enable the revision petitioner to contest the appeal on merits. Thus, he would pray to set aside the impugned order.

4.Heard the learned counsel for the petitioner as well as the respondent.



5.Perusal of record shows that the suit has been filed for declaration and permanent injunction and the suit has been decreed on 20.08.2010. The learned counsel for the petitioner/defendant has stated that the petitioner had been suffering from jaundice for 8 months and thereafter he fell from the stairs of his house and thereafter met his advocate and filed the above appeal, in which, there was a delay of 2690 days. Such a reason is not an acceptable reason for such huge delay and the learned Judge has rightly dismissed the I.A for condoning such a huge delay. There is no reason to interfere with the order passed by the learned Judge.

6.Accordingly, this Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

bala/pkn

To

The Principal Sub Judge,
Tenkasi.

+1 CC to Mr.S.A.AJMAL KHAN, Advocate (SR-7929[F] dated 01/03/2021)

ORDER MADE IN
CRP(MD)No.1872 of 2019
DATED : 01.03.2021

VB (18.03.2021) 2P 3C