



C.R.P.(NPD).No.186 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.(NPD).No.186 of 2019

1) Yuvaraj

2) Velusami

3) Nagammal

... Petitioners/ Petitioners/
Appellants

Vs

1) Muthusamy

2) Rakkannan

3) Pavathal

4) Matheswari

5) T.Marusami

... Respondents/ Respondents/
Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.18 of 2018 in unnumbered AS in



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CFR No.1721 of 2018 on the file of the Principal District Court, Erode dated

24.08.2018.

For Petitioners	...	M/s.T.Nirmaleswar
For RR 1 & 2	...	M/s.L.Mouli
For R-3	...	No Appearance
For RR 4 & 5	...	M/s.K.S.Jeyaganeshan

ORDER

Aggrieved against the dismissal of the order made in I.A.No.18 of 2018 in unnumbered AS in CFR No.1721 of 2018 on the file of Principal District Court, Erode dated 24.08.2018, the petitioners have preferred the present revision before this Court.

2. The case of the petitioners is that I.A.No.18 of 2018 was filed under Order 41 Rule 3-A and Section 151 of the Civil Procedure Code to condone the delay of 700 days incurred in filing the Appeal Suit. Though the reason assigned by the first petitioner that he was affected with jaundice disease was made before the Court below, no proof or evidence was submitted to substantiate the case of the



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petitioners. Therefore, the learned Judge had dismissed the petition. Aggrieved against the dismissal of the same, the petitioners have preferred the present revision before this Court.

3. Heard the learned counsel appearing on either sides and perused the materials available before this Court.

4. In the case of ***S.Janaki v. M/s.Swetha Associates***, reported in **2009 (4) CTC 722**, it was held that the Court should not refuse to condone the delay in filing any application, even, if the defendant has contributed to such delay and in such circumstances, this Court should consider the position of the opposite party by compensating with cost for his laches, if any. Therefore, in view of the above principle laid down, this Court is of the view that the Civil Revision Petition shall stand ordered, subject to payment of costs of Rs.3,000/- (rupees three thousand only) by the petitioners to the Tamil Nadu Legal Services Authority, within a period of two weeks from the date of receipt of a copy of this order. On such payment being made, the delay of 700 days is condoned and the learned Principal District Judge, Erode is directed to number the appeal within a period of two



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weeks thereafter and dispose of the suit in accordance with law. However, there shall be no order as to costs.

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Index : Yes/No

Internet : Yes/No

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To:

The Principal District Court,
Erode

Order made in
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