



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P. No.2856 of 2011

S.K.Duraisamy ... Petitioner

Vs

1. Sulochana
2. Selvaraj
3. Sampathkumar ... Respondent

Prayer: Civil Revision Petition filed under Section 115 of Code of Civil Procedure to set aside the fair and final order dated 21.03.2011 passed in E.A.No.14 of 2008 in E.P.No.48 of 2004 on the file of the District Munsif-cum-Judicial Magistrate, Perundurai in O.S.No.367 of 1989 on the file of the Sub Court, Erode.

For Petitioner : Mr.S.Kaithamalai Kumaran

For R1 & R3 : Mr.N.Manoharan

For R2 : Died. Steps due

ORDER

This Civil Revision Petition has been filed against the fair and final order dated 21.03.2011 passed in E.A.No.14 of 2008 in E.P.No.48 of 2004



on the file of the District Munsif-cum-Judicial Magistrate, Perundurai in O.S.No.367 of 1989 on the file of the Sub Court, Erode, thereby dismissing the petition filed under Rule 148 and Section 151 of CPC to condone the delay of 528 days in re-presentation of the execution petition.

2. A perusal of the records reveals that the petitioner filed a suit for specific performance in O.S.No.367 of 1989 on the file of the I Additional Sub Court, Erode and the same was decreed in his favour. Thereafter, the petitioner filed a petition to execute the decree in E.P.No.48 of 2004 and the same was dismissed for default. To restore the said execution petition, the petitioner filed a petition to condone the delay of 528 days.

3. A perusal of the affidavit filed in support of the condone delay petition for the reason stated that as if the bundle was mixed with other bundles. The petitioner failed to state proper reason to condone the delay. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.



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CRP No.2856 of 20

4. In the result, this Civil Revision Petition stands dismissed. No costs.

08.12.2022

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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To

The District Munsif-cum-Judicial Magistrate,
Perundurai.



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CRP No.2856 of 20

G.K.ILANTHIRAIYAN,J.

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C.R.P. No.2856 of 2011

08.12.2022