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C.R.P. (NPD) No.908 of 2022
and C.M.P. No.4626 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (NPD) No.908 of 2022
and C.M.P. No.4626 of 2022

Ramachandra Nadar (Died)

1.Mani

2.Ravi

3.Krishnan

4.Babu

5.Kannan

6.Arumugam

7.Mala

8.Padmavathy

9.Kumar

10.Devika

...

Petitioners

versus

Mahendiran

...

Respondent

PRAYER: Civil Revision Petition has been filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decretal order dated 02.09.2021 made in I.A.No.1 of 2021 in A.S.No.Nil of 2021 on the file of the learned II Additional District Judge, Vellore @ Ranipet.

For Petitioners : Mr.S.Siva Shanmugam

For Respondent : M/s.Salai Geethan



ORDER

This Civil Revision Petition has been preferred challenging the order of the learned II Additional District Judge, Vellore @ Ranipet, dated 02.09.2021 made in I.A.No.1 of 2021 in unnumbered A.S.No.Nil of 2021.

2. The revision petitioners are the legal heirs of the deceased Ramachandra Nadar, who was the defendant in O.S.No.188 of 2000. The suit was filed by the plaintiff / respondent for the relief of specific performance and the same was decreed. Aggrieved over that, the legal heirs of the judgment debtor of Ramachandra Nadar had filed an appeal with a petition to condone the delay of 4745 days. The said condonation petition was dismissed. Aggrieved over that, the petitioners have filed this Civil Revision Petition.

3. The learned counsel for the petitioners submitted that the existing of the decree came to his knowledge only after 9 years from the date of death of their father and hence, the delay in filing the appeal should be condoned.



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4. The learned counsel for the respondent submitted that even when the original defendant Ramachandra Nadar was alive, he challenged the decree passed in O.S.No.188 of 2000 by filing an appeal in A.S.No.2 of 2012 and that was dismissed for default on 17.02.2014.

5. The said Ramachandra Nadar died on 25.08.2012. Neither Ramachandra Nadar nor his legal heirs had taken any steps at any point of time to restore the appeal suit in A.S.No.2 of 2012 either within the prescribed time or with a petition to condone the delay, if any.

6. Having allowed the decree of the trial Court to attain finality due to efflux of time, the legal heirs of the deceased defendant Ramachandra Nadar have filed one more appeal with a petition to condone the delay of 4745 days. Since the said appeal itself is not maintainable, there is no need to look into the reasons stated in the petition to condone the delay. I do not find any ground for interference.

7. Accordingly, this Civil Revision Petition is dismissed and the order dated 02.09.2021 passed by the learned II Additional District



Judge, Vellore @ Ranipet, in made in I.A.No.1 of 2021 in unnumbered

A.S.No.Nil of 2021 is hereby confirmed. Consequently, connected

Miscellaneous Petition is closed. However, there is no order as to costs.

27.06.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

To

The II Additional District Judge,
Vellore @ Ranipet.



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R.N.MANJULA, J.

sri

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