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C.R.P.No.4248 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2022

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

C.R.P.No.4248 of 2015
and
MP.Nos. 1 and 2 of 2015

M/s.Maxworth Home Ltd.,
Represented by its
Authorised representative
Mr.S.Sivasailapathi
No.50, Maxworth Nagar
Sunnambu Kolathur Village
Chennai 600 117.

... Petitioner/Petitioner/Plaintiff

.Vs.

1.Mrs.Sangeetha Mahadevan
D/o.Mr.Mahadevan
H.37/3, Kamaraj Nagar West Avenue
Thiruvanmiyur
Chennai 600 041.

2.Mrs.Visalakshmi Mahadevan
W/o.Mr.Mahadevan
H.37/3, Kamaraj Nagar West Avenue
Thiruvanmiyur
Chennai 600 041.

...Respondents/Respondents/Defendants



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Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records relating to order dated 12.10.2015 in I.A.No.333 of 2015 in O.S.SR.No.4311 of 2009, on the file of learned Sub Judge, Tambaram and set aside the same and consequently the above I.A.No.333 of 2015 in O.S.S.R.No.4311 of 2009, Application to condone the delay of 1996 days in representing the plaint in O.S.S.R.No.4311 of 2009 may be allowed and direct the learned Sub Judge, Tambaram, to take the plaint in O.S.S.R.No.4311 of 2009 on record.

For Petitioner : Mr.G.Sundaram

For Respondents : Mr.R.Ravi
Mr.P.Kannan
for R1, R2

ORDER

This Civil Revision Petition has been filed against the fair and final order passed by the Court below in I.A.No.333 of 2015 in O.S.S.R.No.4311 of 2009, dated 12.10.2015, dismissing the application to condone the delay of 1996 days in representing the plaint.

2.The petitioner filed the suit seeking for the relief of Specific Performance and for a permanent injunction restraining the respondents from interfering with the possession and enjoyment of the suit property.



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3. The plaint was returned by pointing out some defects on 11.09.2009 and it was represented on 30.03.2015 with a delay of 1996 days. The said application was dismissed by the Court below and aggrieved by the same, the plaintiff has filed this Civil Revision Petition.

4. Heard Mr.G.Sundaram, learned counsel for the petitioner, Mr.R.Ravi, and Mr.P.Kannan, learned counsel for respondents.

5. This Court carefully went through the affidavit filed by the petitioner in support of the application filed for condoning the delay of 1996 days in representing the plaint. The only reason that has been given by the petitioner is that the respondents gave certain undertakings and they failed to fulfill the same and that is the reason why the plaint was not represented on time.

6. The Court below dismissed the application mainly on the ground that there were no valid reasons put forth by the petitioner to justify the exorbitant delay of 1996 days in representing the plaint. This Court does not find any illegality or infirmity in the order passed by the Court below. The petitioner had filed a suit for Specific



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Performance and the petitioner must be aware that readiness and willingness is the basis for filing a suit for Specific Performance. It may be true that the petitioner was making some negotiations with the respondents. That does not mean that the petitioner can endlessly wait for nearly 1996 days without complying with the defects pointed out by the Registry. Such an exorbitant delay can be condoned only when there are valid reasons. The Court below did not find any valid reasons and hence, had correctly dismissed the application filed for condoning the delay of 1996 days for representation. This Court does not find any reason to interfere with the order passed by the Court below and the order passed by the Court below does not suffer from any perversity.

7.In the result, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

05.12.2022

KP
Internet
Index:Yes/No
Speaking Order: Yes/No



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To

1.Sub Court,
Tambaram.



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N.ANAND VENKATESH. J.,

KP

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