



C.M.P.No.351 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.M.P.No.351 of 2018

and

C.R.P.SR.No.94895 of 2017

Balakrishnan

.. Petitioner

Vs.

1. Lakshmi
2. Kavitha
3. Minor Kaviyarasu
4. Minor Kavikuil

.. Respondents

Prayer in C.M.P.No.351 of 2018: Civil Miscellaneous Petition has been filed under Section 5 of the Limitation Act, pleaded to condone the delay of 1109 days in filing the Civil Revision Petition challenging the Fair and Decretal order dated 01.08.2014 passed in I.A.No.829/2011 in O.S.No.10/06 on the file of the Hon'ble Principal Sub Judge, Villupuram.

Prayer in C.R.P.SR.No.94895 of 2017: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order dated 01.08.2014 passed in I.A.No.829 of 2011 in O.S.No.10 of 2006 on the file of the Hon'ble Principal Sub Judge, Villupuram.

For Petitioner : Mr.K.Arunpradesh
for M/s.AAV Partners

For Respondents : Mr.Devaraj



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O R D E R

The petitioner herein has filed this Civil Miscellaneous petition to condone the delay of 1109 days in filing the above Civil Revision Petition.

2. The only reason assigned by the petitioner for explaining the long delay of 1109 days is that he was affected by Chikungunya virus and therefore, he was not able to contact his counsel and instruct him to file Civil Revision Petition.

3. Such vague allegations cannot be accepted for explaining the long delay of 1109 days. The petitioner has not substantiated his alleged illness for nearly three years by producing any acceptable material, except vague allegation in affidavit. It is a matter of common knowledge, Chikungunya infection may last for a week or so, though the after effect of infection may last for months in the nature of joint pains. Hence, Chikungunya infection cannot be an acceptable explanation for delay of three years, especially in the absence of any other material.



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4. Since, the petitioner failed to show any sufficient cause within the meaning of Section 5 of the Limitation Act. This Court is not inclined to exercise its discretion in favour of the petitioner and hence, the Civil Miscellaneous Petition is dismissed. Consequently, C.R.P.SR.No.94895 of 2017 is rejected at the S.R stage itself. No costs.

02.11.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
rgm

To

The Principal Sub Judge,
Villupuram.



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S.SOUNTHAR, J.

rgm

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