



WEB COPY

C.R.P.(NPD) No.1071 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.1071 of 2022

1.Eswari
2.Krishnaveni
3.Anandhan
4.Gunasekaran
5.Kanagaraj

... Petitioners

Vs.

1.Velusamy
2.Chellammal
3.Kaliammal

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of C.P.C., against the Fair and Decreetal order dated 21.10.2021 on the file of the learned Additional Subordinate Judge, Namakkal passed in I.A.No.607 of 2012 in O.S.No.777 of 1999.

For Petitioners : Mr.Labrar Mohamed Abdullah

For 1st respondent : Mr.R.Krishnaprasad
for M/s.Sarvabhauman Associates



ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Additional Subordinate Judge, Namakkal, dated 21.10.2021 made in I.A.No.607 of 2012 in O.S.No.777 of 1999.

2. The revision petitioners are the defendants in the suit and the suit was dismissed for default on 06.02.2007. Thereafter, the revision petitioner had filed the petition to restore the suit with a delay of 1969 days with a petition to condone the delay. The learned trial Judge dismissed the petition to condone the delay and aggrieved over that this revision petition is filed.

3. On perusal of the affidavit filed along with the petition to condone the delay, it is seen that no acceptable reason is stated for condoning the delay of nearly 5 years in filing the petition. The suit was filed for the relief of partition. The cause of action for partition might continue. So, no lenience can be shown to condone the huge delay of 5 years in filing the petition for restoring the suit, without any satisfactory reasons. The order of the learned trial Judge is correct and does not warrant interference.



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4. Hence, this Civil Revision Petition is dismissed and the Fair and

Decreetal order dated 21.10.2021 passed by the learned Additional Subordinate Judge, Namakkal made in I.A.No.607 of 2012 in O.S.No.777 of 1999 is hereby confirmed. No Costs.

14.06.2022

Index : Yes/No
Speaking Order : Yes / No
ssn

To

1. The Additional Subordinate Judge,
Namakkal.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA, J.,

ssn

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