



WEB COPY



C.R.P(PD).No.1074 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1074 of 2022

and

C.M.P.No.5507 of 2022

C.Prakash

... Petitioner

.. Vs..

S.C.Renu Gounder

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 11.02.2022 made in I.A.No.01 of 2020 in O.S.No.55 of 2017 on the file of the Subordinate Judge, Ranipet, Vellore District.

For Petitioner : Mr.A.Bharanichandrar

For Respondents : Ms.V.Ananthi
for Mr.K.Mohanamurali



C.R.P(PD).No.1074 of 2022

ORDER

WEB COPY

This Civil Revision Petition has been preferred challenging the order dated 11.02.2022 made in I.A.No.01 of 2020 in O.S.No.55 of 2017 passed by the learned Subordinate Judge, Ranipet, Vellore District.

2. The revision petitioner is the defendant in the suit filed by the respondent/plaintiff in O.S.No.55 of 2017 for the relief of specific performance and the same was decreed *ex parte*. Thereafter, the revision petitioner had chosen to file a petition to set aside the *ex parte* decree along with the petition to condone the delay of 1028 days and the same was dismissed. Aggrieved over that this revision petition has been filed.

3. The learned counsel for the petitioner submitted that the delay was not wanton and the delay was caused only because the revision petitioner was suffering from some health issues and that the learned trial Judge has taken a pedantic approach and dismissed the petition.

4. It is true that in the petitions filed to condone the delay, liberal



C.R.P(PD).No.1074 of 2022

WEB COPY

view should be taken provided the reasons stated by the petitioner is *prima facie* acceptable. The petitioner herein has stated that he was suffering from jaundice and diabetes and that is the reason why he could not meet his counsel. It is difficult to believe that the petitioner was suffering from jaundice and diabetes in a way that he could not even go and meet his counsel for three years. The reasons so stated by the petitioner was also not substantiated before the Court.

5. Under such circumstances, the trial Court cannot be expected to take favourable view and allow the petition to condone the delay. The conduct of the petitioner only shows his lethargic attitude and delay making tactics. Since no acceptable reasons is proved before the Court for condoning the delay, the trial Judge had rightly dismissed the petition, I find no ground for interference.

6. Hence, this Civil Revision Petition is dismissed and the order dated 11.02.2022 made in I.A.No.1 of 2020 in O.S.No.55 of 2017 passed



C.R.P(PD).No.1074 of 2022

by the learned Sub Judge, Ranipet, Vellore is hereby confirmed. No costs. Consequently connected miscellaneous petition is closed.

21.06.2022

Index:Yes No
Speaking Order:Yes/No
ms

To

1.The Subordinate Judge,
Ranipet, Vellore District.

2.The Section Officer,
V.R.Section,
High Court, Madras.

Page No.4/5



WEB COPY



C.R.P(PD).No.1074 of 2022

R.N.MANJULA, J.

ms

**C.R.P.(PD).No.1074 of 2022
and C.M.P.No.5507 of 2022**

21.06.2022