



C.R.P(NPD).No.1815 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.1815 of 2022

1.Vijayan
2.Muniappan

... Petitioners

..Vs..

1.Sagadevan
2.Kasikannu
3.Kishtammal
4.Kuppusamy
5.Elumalai
6.Anjalidevi
7.Indhira
8.Ulaganathan

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order passed in I.A.No.853 of 2017 in O.S.No.315 of 2004 dated 17.04.2021 by the Principal District Munsif Court, Tindivanam.

For Petitioners : Mr.V.R.Appaswamee



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ORDER

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This Civil Revision Petition has been preferred, challenging the order of the learned Principal District Munsif Court, Tindivanam, dated 17.04.2021 made in I.A.No.853 of 2017 in O.S.No.315 of 2004.

2.The revision petitioners are the plaintiffs, who had filed a suit in O.S.No.315 of 2004 for the relief of partition and the suit was dismissed for default on 16.02.2008. The petitioners have filed a petition in I.A.No.853 of 2017, to condone the delay of 2953 days in filing the petition to restore the suit and the same was also dismissed. Aggrieved over that, the revision petitioners have preferred this revision.

3.The learned counsel for the petitioners submitted that the revision petitioners are coolie workers and they went out of their native for coolie work and hence, they could not get the letters sent by the counsel about the case hearings.



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4.In a petition to condone the delay, liberal approach can be appreciated. But when a person files a petition to condone a huge delay of nearly 8 to 9 years in filing a petition to revive a suit which was dismissed in the year 2008, the Court should be cautious to look out for genuine reason. The interest of justice should be served to the benefits of both parties and one party cannot be allowed to take undue advantage. The respondents will be surprised if a suit which was dismissed before 8 to 9 years got revived all of a sudden. Since the revision petitioners are the plaintiffs who filed the suit, it is obligatory on them to contact their counsel, atleast intermittently to know about the status of the case.

5.It is unbelievable that the revision petitioners who went out of station in the year 2004, came back to their native place only in the year 2016 and it seems only a fancy reason. In the absence of any acceptable reason, it is right for the learned trial Judge to dismiss the petition. I do not find any ground for interference.



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6. Accordingly, the Civil Revision Petition is dismissed and the order of the learned Principal District Munsif, Tindivanam, dated 17.04.2021 made in I.A.No.853 of 2017 in O.S.No.315 of 2004, is hereby confirmed. No Costs.

15.06.2022

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Index: Yes No

Speaking Order: Yes/No

To

1. The Principal District Munsif,
Tindivanam.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.

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R.N.MANJULA,J.

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