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C.R.P (NPD).No.1682 of 2022 and
C.M.P.No.8363 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

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C.M.P.No.8363 of 2022

1.P.Ramasamy

2.P.Kandasamy

3.P.Subramani

4.P.Solairajan

5.P.Paranjothi

6.Ramayee

... Petitioners

Vs.

1.Malarmathi

2.Arayer

3.P.Lakshmanan

... Respondents

PRAYER : Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the fair and final order dated 10.08.2021 passed in I.A.No.1 of 2020 in unnumbered A.S.No. (Sr.No.2985 of 2020 dated 24.02.2020), on the file of the Principal District Judge, Salem.

For Petitioners : Mr.R.Nalliyappan



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ORDER

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This civil revision petition has been filed to set aside the fair and final order dated 10.08.2021 passed in I.A.No.1 of 2020 in unnumbered A.S.No. (Sr.No.2985 of 2020 dated 24.02.2020), on the file of the Principal District Judge, Salem.

2. Heard the learned counsel for the petitioners.

3. The revision petitioners are the defendants 1 to 5 and 7 in the suit. The first respondent / plaintiff has filed a suit for specific performance and the suit was decreed on 30.04.2015. After a delay of 1651 days, these petitioners have come up with a petition to condone the delay in preferring the appeal. The same was dismissed. Aggrieved over that, this civil revision petition has been preferred.

4. The learned counsel for the petitioners submitted that the petitioners came to know about the pendency of the suit only when the delivery was about to be ordered while executing the decree obtained by the first respondent/plaintiff. His further contention is that the first respondent/plaintiff had agreed to withdraw the suit even after getting the decree in her favour.



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5. Those things cannot be the reasons for condoning the huge delay of 1651 days. It is at the risk of the parties to move for settlement by keeping the valid decree of the Court staring at their face. However, the first respondent / plaintiff denied the allegations about the settlement. The learned Trial Judge has observed that the petition has been filed just to prevent the first respondent/ plaintiff from reaping the fruits of the decree and there is no *bonafideness*. The reasons stated by the petitioners to condone the delay is not only acceptable and it cannot even be comprehended. Hence, I find no reasons for interfering in the order passed by the learned Trial Judge.

6. Accordingly, this civil revision petition stands dismissed and the order dated 10.08.2021 passed in I.A.No.1 of 2020 in unnumbered A.S.No. (Sr.No.2985 of 2020 dated 24.02.2020), on the file of the Principal District Judge, Salem, is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking / Non Speaking Order
gsk



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R.N.MANJULA, J.

gsk

To
The Principal District Judge, Salem

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20.06.2022