



WEB COPY



C.R.P.(NPD).No.1737 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2022

CORAM:

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

C.R.P.(NPD).No.1737 of 2022

and

C.M.P.No.8766 of 2022

V.Pazhanisamy

... Petitioner

Vs.

Rajagopal

... Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 28.02.2022 made in I.A.No.30 of 2020 in Unnumbered A.S.No. of 2020 on the file of the learned Principal District Court, Villupuram by allowing this Civil Revision Petition.

For Petitioner

: Mr.N.Manoharan

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned Principal District Judge, Villupuram dated 28.02.2022 made in I.A.No.30 of 2020 in Unnumbered A.S.No. of 2020.

2. The revision petitioner is the defendant in O.S.No.55 of 2009. The



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said suit was filed by the respondent/ plaintiff for the relief of specific performance and the same was decreed on 22.09.2010. The revision petitioner has preferred an application in I.A.No.30 of 2020 to condone the delay of 3400 days in presenting the appeal and the same was dismissed. Aggrieved over that, the revision petitioner has preferred this revision.

3. The learned counsel for the petitioner submitted that the delay of 3400 days was not wanton and the delay caused due to the ill-health suffered by the wife and the son of the revision petitioner and that the learned first appellate Court ought to have considered the petition favourably and allowed the same.

4. On perusal the records, it is seen that some medical prescriptions and intermittent discharge summary of the son of the revision petitioner were produced before the trial Court. They would show that son or wife of the revision petitioner were not continuously admitted as in-patients in any of the hospital for years together. Many of the documents produced by the petitioner are out-patient medical prescriptions and that would show that the son or wife of the petitioner do not need any long admission in the hospital. Even though



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it might be true that the son or wife of the petitioner was sick for some time and the revision petitioner had engaged himself in giving treatment to them, that cannot be a sufficient reason to condone the huge delay of nearly 10 years in preferring this appeal.

5. Though the Courts need to be liberal in condoning the delay if it is reasonable and does not cause prejudice to the respondent, the respondent who got the decree in his favour in the year 2010 and got it executed cannot be put to surprise after 10 years that the litigation is once again renewed and it is going to be continued for some more time. The learned trial Judge has rightly appreciated the de-merits of the petition and chosen to dismiss the same.

6. I find no grounds to interfere with the order of the learned Principal District Judge, Villupuram. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

15.06.2022

Index: Yes/No
Speaking / Non Speaking Order
dsa

R.N.MANJULA, J

dsa



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The Principal District Judge, Villupuram.

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