



WEB COPY



CRP.No.2309 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.2309 of 2019

Chinnasamy Reddiar

... Petitioner

Vs.

1.Nallammal
2.Krishnasamy
3.Mullainathan
4.Senthilnathan
5.Arul
6.Venkatesan

... Respondents

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India praying to set aside the order / decree dated 16.08.2018 made in IA.No.131 of 2015 in OS.No.46 of 2010 on the file of the Sub Court, Perambalur.

For Petitioner : Mr.S.Mukunth

ORDER

This civil revision petition has been filed to set aside the order / decree dated 16.08.2018 made in IA.No.131 of 2015 in OS.No.46 of 2010 on the file of the Sub Court, Perambalur, thereby dismissed the petition to condone the delay of 1005 days in filing the petition to restore the suit.



CRP.No.2309 of 2019

WEB COPY 2.

Heard, the learned counsel for the petitioner.

3. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed suit for partition. However, it was dismissed for default. Thereafter the petitioner did not take any steps to restore the suit. The petitioner filed petition to restore the suit on huge delay of 1005 days in filing the petition to restore the suit.

4. On perusal of the affidavit filed in support of the condone delay petition, revealed that the petitioner was bedridden due to continuous illness. For blood pressure and diabetes, he was taking native treatment at Kerala. Therefore, he could not able to attend the trial court for let in evidence. Normally all are having diabetes and blood pressure for which it is not required any special treatment. All the reasons stated in the affidavit are not substantiated with any iota of evidence. As such, the court below rightly dismissed the petition and this court finds no infirmity or illegality in the order passed by the court below.

5. That apart this civil revision petition was listed for admission on



CRP.No.2309 of 2019

18.07.2019 and the learned counsel for the petitioner had taken time. On the request of the learned counsel for the petitioner, it was adjourned by two weeks. However, thereafter the petitioner did not take any steps to list the matter even for admission. Therefore, this civil revision petition is pending for the past three years without even ordering notice.

6. In view of the above, this civil revision petition is dismissed. There shall be no order as to costs.

16.12.2022

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

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G.K.ILANTHIRAIYAN, J.



CRP.No.2309 of 2019

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To

The Sub Court, Perambalur.

CRP.No.2309 of 2019

16.12.2022