



WEB COPY



C.R.P.(NPD).No.1839 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2022

CORAM:

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

C.R.P.(NPD).No.1839 of 2022

M.Paulraj

... Petitioner

Vs.

1.Manoharan

2.Benjamin

3.Chandran

4.Ravichandran

5.State of Tamil Nadu Rep. by its
District Collector,
Erode District, Erode – 11.

... Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 27.01.2022 made in I.A.No.604 of 2017 in I.A.No.150 of 2013 in unnumbered A.S.CFR No.3672 of 2013 on the file of the learned Sub Court, Perundurai by allowed this Civil Revision Petition.

For Petitioner : Mr.R.T.Vishnu



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ORDER

WEB COPY This Civil Revision Petition has been preferred challenging the order of the learned Subordinate Judge, Perundurai dated 27.01.2022 made in I.A.No.604 of 2017 in I.A.No.150 of 2013 in un-numbered A.S.CFR No.3672 of 2013.

2. The revision petitioner was the plaintiff in the suit in O.S.No.183 of 2003. The respondents 1 to 3 have also filed a suit for partition in O.S.No.564 of 2004. Both the suits were tried together and the suit of the revision petitioner was dismissed and the other suit in O.S.No.564 of 2004 was decreed on 17.03.2011. After a delay of 272 days, the petitioner filed a petition in I.A.No.150 of 2013 to condone the delay in filing the appeal. The said petition was allowed and a conditional order was passed to pay a cost of Rs.1,500/- on or before 26.07.2013. Since the costs was not paid within the prescribed time, the petition was dismissed.

3. The revision petitioner lost the opportunity given to him to prefer the appeal by not complying the condition. After four years he once again filed this impugned petition to extend the time granted to pay the cost. The extension of time was sought by him that he went on a religious trip till 30.07.2019 and hence he did not know about the conditional order.



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WEB COPY 4. Though it might be true that the petitioner was out of station and he did not have occasion to know about the conditional order immediately after the order was passed, being the petitioner in a petition filed to condone the delay, he ought to have shown anxiety to know about the result of his petition. He cannot be careless for nearly four years and thereafter come with the petition under Section 148 CPC to extend the time to pay the costs. In fact, 8 days time was given to pay the costs and comply the condition. Now it is a mockery to seek extension for many years for complying the condition. From the attitude of the petitioner, it is clear that he has not approached the Court with any genuine intention and his intention is only to delay the proceedings. The learned trial Judge is right in disallowing the petition.

5. I do not find any ground to entertain this Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed. No costs.

17.06.2022

Index: Yes/No

Speaking / Non Speaking Order

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R.N.MANJULA, J

dsa

To
The Subordinate Judge, Perundurai.

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