



C.R.P.(NPD) No.2064 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

**C.R.P.(NPD) No.2064 of 2019
and
C.M.P.No.13338 of 2019**

1.R.Umamaheswaran
2.A.Sornaganthi

... Petitioners

Vs.

1.Dr.M.Chakravarthi
2.Dr.M.Vidhacharanyan

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of Code of Civil Procedure, against the fair and decretal order dated 11.03.2019 made in I.A.No.182 of 2018 in Unnumbered A.S. in C.F.R.No.4958 of 2014 on the file of Principal District Judge, Erode.

For Petitioners : Mr.V.V.Sathya

For Respondents : Mr.A.Sundara Vadhanan



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ORDER

Aggrieved by the order allowing an application condoning the delay of 1524 days in re-presenting the appeal papers, the defendants are before this Court.

2. The brief facts necessary for disposing of this Civil Revision Petition are herein below narrated.

The revision petitioners had filed a suit O.S.No.113 of 2010 on the file of the Sub Court, Perundurai, Erode District for partition and separate possession. The suit came to be dismissed by judgment and decree dated 11.10.2013. Challenging the said Judgment and Decree, the respondents herein had filed the First Appeal (Appeal Suit) on the file of the Principal District Judge, Erode. The said appeal was returned for certain compliances and the respondents had re-presented the said papers with the delay of 1524 days. The said delay was condoned by the impugned order dated 11.03.2019 passed by the Principal District Court, Erode in I.A.No.182 of 2018 and the appeal was numbered as A.S.No.50 of 2019. Aggrieved by the said order, the



defendants have filed the above Civil Revision Petition. It appears that the appeal has now reached the stage of arguments.

3. Heard the learned counsel appearing on both sides and perused the records.

4. A perusal of the order of the Principal District Judge, Erode would indicate that the learned Judge has taken note of the fact that the appeal had been filed in time and the delay had occurred only when the papers were to be re-presented. The learned Judge has taken note of the fact that the respondents are practicing Doctors and they have handed over the brief to their counsel. The returns were innocuous one, which had to be carried out by the counsel and did not require any input from the respondents/defendants. Therefore, the learned Judge has allowed the application on payment of costs of Rs.10,000/-.

5. Considering the fact that the appeal has been filed without any delay and as the delay had occurred in re-presentation, which has



been occasioned only on account of papers mixed up in the Counsel's Office and not by reason of any delay on the part of the respondents, this Court is inclined to confirm the order passed by the learned Principal District Munsif, Erode. Further, considering the fact that the appeal has also reached the stage of arguments, interest of justice would be sub served, if the revision is dismissed with a direction to the learned Principal District Judge, Erode to dispose of the appeal in A.S.No.50 of 2019, within a period of two months from the date of receipt of a copy of this order.

6. Accordingly, the Civil Revision Petition is dismissed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

21.02.2022

Index : Yes/No
Speaking Order : Yes / No
srn
To
1.The Principal District Judge, Erode.
2.The Section Officer,
VR Section, Madras High Court,
Chennai.



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P.T. ASHA, J,

srn

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