



CRP.No.3894 of 2022
& CMP.No.20400 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

CRP.No.3894 of 2022

and

CMP.No.20400 of 2022

Vasantha

...Petitioner

Vs

- 1.Kamalanathan
Jayakodi (died)
2. Arjunan
- 3.Saradha
Kasiammal (Died)
4. K.Perumal
- 5.Sasikumar
- 6.Sekari
- 7.Kumar
- 8.Bhakiyalakshmi
- 9.Dhanalakshmi
- 10.Thirupathi

... Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the CPC, to set aside the fair and decretal orders dated 28.01.2020 passed in I.A.No.335 of 2017 in O.S.No.54 of 2005 on the file of the District Munsif Court, Uthankarai.

For Petitioner : Mr.P.Mani



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ORDER

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This Civil Revision Petition is filed challenging the order passed by the court below dismissing the petition to condone the delay of 2735 days in filing the petition to restore the suit .

2. The petitioner herein filed a suit for partition against the first respondent in O.S.No.54 of 2005 on the file of the District Munsif-cum-Judicial Magistrate Court, Uthankarai. The said suit was dismissed for default on 24.08.2009. The petitioner herein has filed a petition to restore the suit on 22.03.2017 with a petition to condone the delay of 2735 days. In the affidavit filed in support of the petition to condone the delay of 2735 days, the petitioner had stated that at the relevant point of time, he was suffering from jaundice and it had taken several years to recover from the said disease.

3. The petitioner has not let in any oral and documentary evidence in support of his contention. Further, the illness of jaundice is not a sufficient ground for condoning the inordinate delay of 2735 days especially in the absence of any acceptable evidence in support of his contention. In such circumstances, this court is not inclined to interfere with impugned order



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dismissing the petition filed by petitioner to condone the delay as he failed to show sufficient cause explaining delay. Therefore, I do not find any illegality or irregularity in the order passed by the court below.

4. In the result, this Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

29.11.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
gv



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S.SOUNTHAR, J.

gv

To

The District Munsif-cum-Judicial Magistrate Court,
Uthankarai.

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and

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