



C.R.P.(NPD) No.786 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM : JUSTICE N.SESHASAYEE

C.R.P.(NPD) No.786 of 2022

S.V.Dinesh Kumar

... Petitioner

Vs

Mrs.Shobana Lakshmi

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, as against the order and decretal order dated 23.09.2021 made in I.A.No.1 of 2021 in O.S.SR No.67460 of 2018 on the file of the learned I Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.S.Udhayakumar

ORDER

This revision petition is filed as against the order and decretal order dated 23.09.2021 made in I.A.No.1 of 2021 in O.S.SR No.67460 of 2018 on the file of the learned I Assistant Judge, City Civil Court, Chennai.



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2. The plaintiff in an unnumbered suit in O.S.SR No.67460 of 2018 has moved this Court challenging an order rejecting the plaintiff's prayer to condone the delay of 833 days vide order dated 23.09.2021 in I.A.No.1 of 2021 in representing the plaint.

3. Generally, an issue involving condonation of delay in re-presentation of a plaint returned for curing any defect is a matter between the party and the Court and the court invariably take a lenient view, since a disciplinarian attitude of the court has the potential to rob the plaintiff of his right to action.

4. In view of the above, the order dated 23.09.2021 made in I.A.No.1 of 2021 in O.S.SR.No.67460 of 2018 on the file of the learned I Assistant Judge, City Civil Court, Chennai is set aside and the matter is remanded back to the trial Court for *de nova* consideration. No costs.

17.03.2022

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Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order



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N.SESHASAYEE.J.,

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