



C.R.P.No.3375 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3375 of 2022

G.Muruganandam

.. Petitioner

Vs.

T.A.Dhanasekaran

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to set aside the fair and decretal order dated 16.08.2022 made in I.A.No.47 of 2018 in O.S.No.1 of 2011 on the file of the II Additional District Court, Vellore at Ranipet by allowing this Civil Revision Petition.

For Petitioner : Mr.C.Harish

ORDER

This Civil Revision Petition has been filed challenging the order passed by the Court below dismissing the petition to condone the delay of 1979 days in filing the petition to restore the suit which was dismissed for non-prosecution.



C.R.P.No.3375 of 2022

2. The petitioner herein filed a suit for specific performance of a Sale Agreement dated 23.04.2008 in O.S.No.1 of 2011 and the said suit was posted for trial on 17.09.2012, but owing to the non appearance of the petitioner/plaintiff, the suit was dismissed for default. Thereafter, the petitioner filed an application to restore the suit on 20.03.2018 along with the petition to condone the delay of 1979 days. In the affidavit filed in support of the petition to condone the delay, the petitioner had stated that on the relevant date, he was affected by Jaundice and hence he could not appear before the Court. Absolutely there is no explanation in the affidavit when he recovered from the disease and what prevented him from meeting the counsel immediately after recovering from the disease. The said suit was dismissed for default on 17.09.2012 and the present petition to restore the suit was filed only on 20.03.2018, nearly after six years.

3. The reason given by the petitioner as if he suffered from Jaundice, cannot be a sufficient cause for explaining the long delay of six years and therefore the Court below had rightly dismissed the petition. I do not find any illegality or irregularity in the order passed by the Court below.



C.R.P.No.3375 of 2022

4. Accordingly, this Civil Revision Petition is dismissed. No costs.

20.10.2022

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

To
The II Additional District Court,
Vellore,
Ranipet.



WEB COPY



C.R.P.No.3375 of 2022

S.SOUNTHAR, J.

gd

C.R.P.No.3375 of 2022

20.10.2022