



C.R.P.No.4192 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4192 of 2022

Mrs.Vasanthi

... Petitioner/Petitioner/Plaintiff

Vs.

1.Gnanasekaran

2.Anbhazhagan

3.The Thashildar,
Thasildar Office,
Jayankondam,
Udayarpalayam.

4.The State,
Rep.by the Collector,
Perambalur District

... Respondents/Respondents/Defendants

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the District Munsiff Court, Jayankondam to number the I.A.Sr. filed to restore O.S.No.74 of 2007 on the file without insisting to the file a petition to condone the delay.



C.R.P.No.4192 of 2022

For Petitioner : Mr.P.Sesubalan Raja

ORDER

The revision petition is filed to to direct the District Munsiff Court, Jayankondam to number the I.A.Sr. filed to restore O.S.No.74 of 2007 on the file without insisting to the file a petition to condone the delay.

2.The revision petitioner instituted a suit for declaration and injunction and the suit was dismissed for non-prosecution on 13.12.2012. The learned counsel for the revision petitioner states that a petition for restoration was filed on 21.12.2012 and it was returned on two occasions and thereafter, it was represented on 19.02.2013.

3.Almost 9 years lapsed. The case papers were not traced out and the lawyer who filed the suit also failed to pursue the case vigilantly. The litigant suffered and finally, she made an attempt to trace out the papers before the Trial Court, and after changing the counsel, the plaintiff could able to trace out the papers with the assistance of the Trial Court. At that point of



C.R.P.No.4192 of 2022

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time, the Court insisted the petitioner to file a petition to condone the delay, which made the petitioner to file the present revision petition, not to insist the condone delay petition.

4.Such a direction cannot be granted by the High Court indiscriminately. If at all, the petitioner is of an opinion that she had represented the case papers in time, that is to be explained or an inquiry to be conducted to find out the clear facts. Contrarily, the High Court cannot simply direct the District Judiciary for not insisting on the condone delay petition or any such prayer.

5.There is an enormous delay of about 9 years in the present case, and thus the person and reason responsible, has to be found out by conducting an appropriate inquiry. Thus, the petitioner has to approach the Trial Court by filing an appropriate application for the redressal of the grievances. The petitioner is at liberty to do so without causing any further delay.



C.R.P.No.4192 of 2022

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6. Accordingly, the civil revision petition stands **dismissed**. No costs.

7. The registry of High Court is directed to return the original papers to the learned counsel for the petitioner on record.

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20.12.2022

Index: Yes
Internet: Yes
Speaking Order

To

1. District Munsiff Court, Jayankondam



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C.R.P.No.4192 of 2022

S.M.SUBRAMANIAM.J.,

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C.R.P.No.4192 of 2022

20.12.2022