



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.04.2022
CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

WEB COPY

CRP (MD) .No. 2789 of 2010 and
M.P (MD) .No.1 of 2011

1.Hemalatha
2.Vijaya Rani
3.Litta Padmavathi
4.Felicita Flarance

... Petitioners/Petitioners/
Appellants

Vs.

1.Jeyasekaran
2.Roselin Thanka
3.Monisha Thanka (Minor)
(rep. by 1st respondent)
4.Thanka Retnam
5.Alexander
6.Rajakumar
7.Flarance Stella Rani

... Respondents/Respondents/
Respondents

Prayer: This Civil Revision Petition is filed under Sec.115 of C.P.C to set aside against the fair and decreetal order passed in I.A.No.202 of 2005 in A.S(SR).No.2418 of 2005, dated 11.03.2010 on the file of the District Court, Kanyakumari at Nagercoil.

For Petitioner : Mr. D.Nallathambi
For respondent : No appearance

ORDER

Heard the learned counsel appearing for the petitioner. Even the name of the respondents printed in the cause list, no one has appeared.

2. This Court by order, dated 22.03.2022 passed the following order:

"The revision petitioners / appellants / defendants filed this revision to set aside the order, dated 11.03.2010 passed in I.A.No.202 of 2005 in ASSRNo.2418 of 2005 on the file of the District Court, Kanyakumari.

2. The said Interlocutory Application was filed by the petitioners to condone the delay of 564 days in filing the appeal. The petitioners have stated that the 3rd petitioner is affected by Tuberculosis with stroke



from 06.08.2003 to 10.01.2004 and continuously taking treatment till 10.06.2005, so, they are unable to file an appeal within the time.

3. There are four petitioners, but, as per the contention only third petitioner affected by Tuberculosis. The petitioners have not given any reason for non appearance of other petitioners.

4. The suit is for partition and the respondents / plaintiffs pleaded only oral relinquishment to the defendants / petitioners. So, one opportunity has to be given to the petitioners. But, the delay has to be condoned on payment of cost.

5. The petitioners are directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Advocate Clerk's Association on or before 18.04.2022.

6. Post on 19.04.2022 for reporting compliance."

3. The matter is posted today under the caption "for reporting compliance". As per the order passed by this Court, dated 22.03.2022, the petitioner has paid a cost of Rs.10,000/- (Rupees Ten Thousand only) to the Advocate Clerk's Association and he has also filed a cost memo to that effect and the same is recorded.

4. In view of the same, the Civil Revision Petition is allowed and the order, dated 11.03.2010 passed in I.A.No.202 of 2005 in A.S(SR).No.2418 of 2005, on the file of the District Court, Kanyakumari at Nagercoil, is set aside. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The District Court,
Kanyakumari at Nagercoil.

CRP(MD).No. 2789 of 2010 and
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SA(11.05.2022) 3P 2C