



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD)No.251 of 2022

and

C.M.P. (MD) .No.1087 of 2022

Sivalingathai

...Petitioner/Petitioner/Defendant

Vs.

1.Ganapathi Achari

2.Perumal Achari

...Respondents/Respondents/Plaintiffs

PRAYER: Civil Revision Petition under Section 115 of Civil Procedure Code, against the fair and decretal order dated 30.11.2021 made in I.A.No.267 of 2017 in O.S.No.51 of 2013 on the file of the District Munsif Court, Sathankulam.

For Petitioner

: Mr.K.Marimuthu

For Respondents

: Mr.Rajesh Saravanan

ORDER

This Civil Revision Petition has been filed to set aside the fair and decretal order, dated 30.11.2021 made in I.A.No.267 of 2017 in O.S.No.51 of 2013 passed by the learned District Munsif, Sathankulam.

2. The parties are referred to as per the rank mentioned before the Court below.

3. The defendant / revision petitioner herein has filed a petition in I.A.No.267 of 2017 in O.S.No.51 of 2013 before the learned District Munsif, Sathankulam, to condone the delay of 1143 days in filing the petition. The said petition was dismissed on 30.11.2021 by the Court below. Aggrieved over the said order, the revision petitioner is before this Court.

4. Heard on either side and perused the material documents available on record.

5. The defendant / revision petitioner herein has filed this petition to set aside the order, dated 30.11.2021 made in I.A.No.267 of 2017 in O.S.No.51 of 2013. The petition in I.A.No.267 of 2017 was filed by the defendant / revision petitioner to condone



the delay of 1143 days in filing the petition under Order 9 Rule 13 of the Civil Procedure Code.

6. The reasons stated in the petition, are that, the petitioner's daughter is suffering from paralytic attack and hence, she brought her daughter to Kattakadai, Kanyakumari District for taking treatment and only after receiving the notice in the Execution Petition, she has filed this petition.

7. Even though no documents have been filed to prove the reasons for her non-appearance and the defendant is a necessary party in the petition, this Court is inclined to condone the delay of 1143 days in filing the petition under Order 9 Rule 13 of the Civil Procedure Code.

8. Accordingly, this Civil Revision Petition is allowed and the delay of 1143 days in filing the petition under Order 9 Rule 13 of the Civil Procedure Code, is condoned on condition that, the petitioner shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the respondents on or before **25.04.2022**. No Costs. Consequently, the connected miscellaneous petition is closed.

9. Registry is directed to call this case on **26.04.2022** for reporting compliance.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

tsg

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To
The District Munsif , Sathankulam.

Copy to

1.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

+1 CC to M/S.K.ABIYA, Advocate, SR-3356 dated 13.04.2022

C.R.P. (MD) No.251 of 2022
12.04.2022

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