



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD)No.291 of 2022

Ameer Hamsha

... Petitioner/Petitioner/Appellant

Vs.

The Special Tahsildhar,
L.A.ADW.,
Mudukulathur,
Ramanathapuram District.

... Respondent/Respondent/Respondent

PRAYER: Civil Revision Petition under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order, dated 07.09.2021 passed in I.A.No.1 of 2020 in L.A.C.M.A.No.20 of 2001 on the file of the learned Subordinate Court, Mudukulathur, by allowing this Civil Revision Petition.

For Petitioner : Mr.V.Meenakshi Sundaram
For Respondent : Mr.S.Kameswaran
Government Advocate

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order, dated 07.09.2021 in I.A.No.1 of 2020 in L.A.C.M.A.No.20 of 2001 passed by the learned Subordinate Court, Mudukulathur,

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

3.The appellant herein/petitioner has filed a interlocutory application in I.A. No. 1 of 2020 in L.A.C.M.A.No.20 of 2001 on the file of the learned Subordinate Court, Mudukulathur, under Section 5 of Limitation Act, to condone the delay of 3291 days to restore the main appeal. The said petition was dismissed on 07.09.2021 with Costs of the respondent. Aggrieved over the said order, the appellant is before this Court.

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

5.The reasons stated in the petition is that, now, he is residing in Madras after his retirement. So, the petitioner could not able to contact his advocate. Only, on 12.03.2005, he contacted his Advocate and came to know that due to non-payment of Court fee the appeal was dismissed on 07.02.2005. So, the appellant has filed



a petition in I.A.No.1 of 2020 in L.A.C.M.A.No.20 of 2001 to condone the delay of 3291 days to restore the main appeal.

6.Eventhough the reasons stated in the petition is not acceptable. the Land Acquisition Act is a beneficial Act, and in similar L.A.C.M.A.No.1 & 2 of 2001, relating to same acquisition, compensation has been enhanced to Rs.450/-per cent from Rs.90/- per cent, and therefore, this Court intends to allow this Civil Revision Petition.

7.In view of the foregoing reasons, this Civil Revision Petition is allowed by setting aside the order, dated 07.09.2021 in I.A.No.1 of 2020 in L.A.C.M.A.No.20 of 2001 passed by the learned Subordinate Court, Mudukulathur and consequently, I.A.No.1 of 2020 is allowed. No Costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 Subordinate Judge,
Mudukulathur.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-7323[F] dated 21/02/2022)

+1 CC to M/s.SPL GP (SR-7519[F] dated 21/02/2022)

Order made in
C.R.P. (MD) No.291 of 2022
18.02.2022

RS (21.03.2022) 2P-4C