



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Twenty First day of February Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
and
The Hon`ble Mr.Justice N.SATHISH KUMAR

C.M.P(MD)No.7465 of 2021
in
A.S(MD)SR.No.19300 of 2021

THE REVENUE DIVISIONAL OFFICER,
ARUPPUKOTTAI,
VIRUDHUNAGAR.

... PETITIONER/ APPELLANT

Vs

DURAIRAJ

... RESPONDENT/ RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 731 days in filing the above Appeal Suit.

PRAYER IN A.S(MD)SR.No.19300 of 2021:

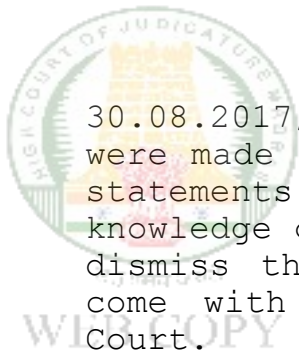
To set aside the Judgment and decree dated 04.11.2016 made in LAOP.No.02 of 2011 on the file of Sub Court, Aruppukottai.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.D.GANDHIRAJ, Special Government Pleader for the petitioner, the court made the following order:-

This application has been filed seeking condonation of delay of 731 days in filing the above appeal suit.

2. Perusal of the affidavit filed by the Revenue Divisional Officer, Aruppukottai, shows that the judgment was pronounced on 04.11.2016; application for certified copies was filed on 05.11.2016; the stamps were called for on 30.08.2017; stamp charges were paid on 06.01.2018; certified copies were made ready on 29.10.2020 and delivered on 29.10.2020; and this appeal has been filed on 25.01.2021. It is claimed that there is a delay of 731 days in filing the appeal.

3. Finding that the calculation is not correct, we checked the details with the certified copy of the judgment. It shows that copy made on 05.11.2016; stamps were called for on



30.08.2017; stamp papers were deposited on 04.09.2017 and the copies were made ready on 26.12.2017. Therefore, it is clear that all the statements made in Paragraph No.3 of the affidavit, are false to the knowledge of the Officer, who has sworn to the affidavit. Hence, we dismiss this petition only on the ground that the petitioner has come with unclean hands by making false statements before this Court.

4. It is open to the Department to take appropriate action, who has filed the affidavit for recovery of the loss caused to the Government by sending false affidavit to the Court.

sd/-
21/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE JUDGE,
SUBORDINATE COURT, ARUPPUKOTTAI.

+1. C.C. to M/S.SPL.GOV.T.PLEADER Advocate SR.No.7931.

ORDER
IN
C.M.P (MD) No.7465 of 2021
in
A.S (MD) SR.No.19300 of 2021
Date :21/02/2022

MK/VR/SAR.II/03.03.2022/2P/3C