



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2022

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P(MD).No.794 of 2022 and
CMP(MD).No.3214 of 2022

D.Selvaraj : Petitioner/ Petitioner/ Defendant

Vs

R.Lakshmi : Respondent /Respondent/Plaintiff

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order made in I.A.No.7 of 2021 in O.S.No.120 of 2010 on the file of the II Additional District Munsif, Nagercoil, Kanyakumari District, dated 18.02.2021.

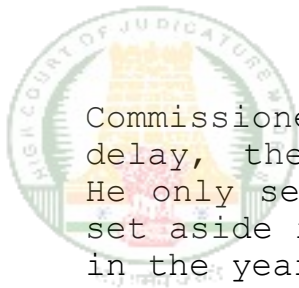
For petitioner : Mr.C. Sankar Prakash

ORDER

The revision petitioner / defendant filed this revision to set aside the order, dated 18.02.2021 made in I.A.No.7 of 2021 in O.S.No.120 of 2010 on the file of the II Additional District Munsif, Nagercoil, Kanyakumari District.

2. Heard the learned counsel appearing for the petitioner. Since no adverse order passed against respondent, no notice is necessary to the respondent.

3. The said I.A.No.7 of 2021 filed by the revision petitioner / defendant to condone the delay in filing objection to the Commission report. The said Commission report was filed on 15.04.2014. The revision petitioner / defendant has filed the said Interlocutory Application only in the year 2021, in between he was set ex parte on 31.07.2015. Thereafter, he filed set aside application in the year 2015 and the same was returned and he represented the petition after 1089 days of delay. The ex parte decree petition was allowed and now, the case is posted for trial. The revision petitioner has filed this application after eight years from the date of filing the commission report. Since the suit is for declaration of sale deed as null and void, the appointment of



Commissioner itself is not necessary. Further, for condoning the delay, the revision petitioner has not given any proper reason. He only set ex parte in the year 2015 and thereafter, ex parte was set aside in the year 2021. Now, he has filed the objection petition in the year 2021.

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4. On perusal of the entire records it is seen that the petitioner is only dragging on the proceedings by way of filing petition after petition. Hence, this Court is not inclined to interfere with the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed by confirming the order, dated 18.02.2021 made in I.A.No.7 of 2021 in O.S.No.120 of 2010 on the file of the II Additional District Munsif, Nagercoil, Kanyakumari District. No costs. Consequently, the Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The II Additional District Munsif,
Nagercoil, Kanyakumari District.

+1 CC to M/s.C. SANKAR PRAKASH, Advocate (SR-20229[F] dated 21/04/2022)

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RD(13.05.2022) 2P 3C