



CRP (MD) No. 1412 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE **B. PUGALENDHI**

CRP (MD) No. 1412 of 2022

and

CMP (MD) No. 5861 of 2022

1. Subbaiah

2. Palanisamy

3. Ramraj

: Petitioners

Vs.

1. Subburaj

2. Saraswathi

3. Latha Senthilkumar

4. Senthilkumar

5. Vengatesh

: Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records in connection with the fair and decreetal order dated 23.04.2022 in I.A.No.1 of 2021 in unnumbered A.S.No. of 2021 on the file of the Principal District Court, Theni.

For Petitioners : Mr. B. Rajesh Saravanan



ORDER

WEB COPY This revision petition is filed as against the orders passed by the learned Principal District Judge, Theni, in I.A.No.1 of 2021 in unnumbered A.S.No. of 2021, dated 23.04.2022.

2.The respondents have preferred an appeal as against the judgment and decree passed by the Sub Court, Periyakulam, in O.S.No.38 of 2009, before the District Court, Theni, however with delay. Along with the appeal petition, they have filed an application under Section 5 of the Limitation Act in I.A.No.1 of 2021. The Appellate Court condoned the delay in filing the appeal and aggrieved over the same, the petitioners have moved the instant revision petition.

3.Learned Counsel for the petitioners submitted that the judgment and decree in O.S.No.38 of 2009 was passed on 22.11.2019 and the period of limitation expired on 07.03.2020. The respondents have preferred the appeal only on 28.09.2021, with a delay of 564 days. But, the Appellate Court, by misinterpreting the decision of the Hon'ble



Supreme Court in **Miscellaneous Application No.665 of 2021 in SMW(C) No. 3 of 2020, In Re: Cognizance for Extension of Limitation**, has held that there is a delay of four days in filing the appeal and condoned the delay.

4.The Hon'ble Supreme Court, **In Re: Cognizance for Extension of Limitation**, has held the period from 15.03.2020 till 02.10.2021 shall stand excluded, while calculating the period of limitation, due to the Covid-19 pandemic. In the case on hand, admittedly, the period of limitation expired on 07.03.2020 and the respondents preferred the appeal on 28.09.2021. If the period between 15.03.2020 and 28.09.2021 is excluded, there is a delay of four days in preferring the appeal, which was condoned by the Appellate Court on appreciation of the reasons stated therein.

5.This Court does not find any error in the orders of the Appellate Court. Accordingly, this civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.



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Index : Yes / No

Internet : Yes

gk

13.07.2022

B.PUGALENDHI, J.

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To

The Principal District Judge,
Theni.

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