



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2022

CORAM

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 2633 of 2014 and
MP(MD).No.1 of 2014

1.B.R. Gopala Krishnan

2.B.R. Sivan

.. petitioners/Petitioners/Appellants

Vs.

1.S. Raja Raman

rep. by his power agent

P.Gopalakrishnan

2.Tirunelveli Municipal Corporation,

through its Commissioner,

Having its office at

Swami Nellaiyappar High Road,

Tirunelveli.

.. Respondents/Respondents/Respondents

Prayer: This Civil Revision Petition is filed under Section 115 CPC against the fair and decretal order dated 21.08.2014 made in I.A.No.60 of 2013 in Un Regd. A.S.No... of 2013 on the file of the Principal Sub Court, Tirunelveli.

For Petitioners

... Mr. T. Selvan

For respondent No.1

... Mr. J. Jeyakumaran

For respondent No.2

... No appearance

ORDER

The revision petitioners / appellants filed this revision to set aside the order, dated 21.08.2014 made in I.A.No.60 of 2013 in un numbered appeal in A.S.No... of 2013 on the file of the Principal Sub Court, Tirunelveli.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The said Interlocutory Application in I.A.No. 60 of 2013 was filed by the revision petitioners to condone the delay of 892 days in filing appeal suit. The reason for the delay is their counsel informed them that the suit was decreed in their favour. Only after the respondents informed them that they have got esementary rights in the suit, then, only they came to know that the Judgment was passed against them and they have filed an appeal.



4. According to the respondents, already counsel for the petitioners issued notice on 27.12.2011 to inform the Judgment and Decree that the easementary right was given to the respondents in the common Judgment passed in O.S.Nos.62 of 2006 and 354 of 2006. But, the appeal has been filed only against the Judgment in O.S.No.354 of 2006. They have not filed appeal against the another suit in O.S.No.62 of 2006. However, in both the Judgment easementary right has been given to the respondents.

5. The petitioners have filed counter against the Judgment in one suit alone. That too they have filed false affidavit which was proved as false through Ex.R1. So, the appellate Court has dismissed the appeal on the ground that the reasons stated in the Interlocutory Application is not proper to condone the delay. Even though the first appeal is right of the party, the reason as stated in the counter is false and he has also not filed appeal suit against both the suit and hence, this Court is not inclined to interfere with the order passed by the Court below.

6. Accordingly, the Civil Revision Petition is dismissed by confirming the order, dated 21.08.2014 made in I.A.No.60 of 2013 in Un Regd. A.S.No... of 2013 on the file of the Principal Sub Court, Tirunelveli. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The Principal Sub Judge,
Tirunelveli.

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-11240[F] dated 10/03/2022)
CRP(MD).No. 2633 of 2014 and
MP(MD).No.1 of 2014

10.03.2022

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