



CRP NPD(MD)No.1872 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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1.Velmurugan
2.Jagajothi

... Petitioners

Vs

1.Krishnasamy
2.Chellammal

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 08.06.2022 in I.A.No. 1 of 2022 in O.S.No. of 2022 (unnumbered) (CNR No.TNPH03-001093-2021) on the file of the the learned Sub Court, Theni.

For Petitioners : Mr.R.Rajaraman

ORDER

The petitioners have instituted a suit on 29.01.2015 before the Sub Court, Theni for recovery of money from the respondents



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herein based on a Mortgage deed, dated 16.10.2003. The plaint filed by the petitioners/plaintiffs was returned on 09.04.2015 for compliance of certain defects. The petitioners represented the plaint on 17.12.2021 with a delay of 2416 days. The application filed in I.A.No.1 of 2022 was dismissed by the Court that there is no sufficient reasons for such a huge delay, aggrieved over the same, the present civil revision petition is filed.

2.The learned counsel appearing for the petitioners submits that this is the mistake committed by the counsel and it is not the mistake of the petitioners/plaintiffs. The I.A.No.1 of 2022 was filed by the counsel that the papers got mingled with other bundles and the same was traced out and thereafter the plaint has been re-presented. He further submits that the case was filed for recovery of money that the respondents/defendants by a registered mortgage deed has received a sum of Rs.1,00,000/- from the petitioners on 16.10.2003. He further



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submits that if this revision petition is not allowed, it will be a great loss to the petitioners/plaintiffs. The learned counsel has also relied upon the judgment in the case of *Meenakshisundaram Textile Vs Velliemmal Textiles*, reported in **2011 (3) CTC 168** and requests to allow this Civil Revision Petition with some cost.

3.This Court considered the submissions of the learned counsel for the petitioners and also perused the materials placed on record.

4.The petitioners filed the above suit for recovery of money based on a registered mortgage deed, dated 16.10.2003. The case was filed in the year 2015 and it was returned for compliance of certain defects. The plaint was re-presented only on 17.12.2021 with a delay of 2416 days. The learned Sub Judge not satisfied with the reason for the delay and this Court is also not inclined to accept this reason that the



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papers got mingled with some other papers. Each day delay has to be explained and it appeared that the petitioner after filing the case not at all followed up the case with his Advocate. This Court is not inclined to entertain this Civil Revision Petition as there is no valid reasons for such an inordinate delay of 2416 days.

5. Accordingly, this Civil Revision Petition is dismissed. No costs.

10.11.2022

Internet : Yes
Index : Yes / No
vrn

To

The Sub Court, Theni.



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B.PUGALENDHI, J.

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Order made in
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