



C.R.P.No.4474 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4474 of 2023

and

C.M.P.No.20656 of 2023

P.Jeyaraj

... Petitioner

-Vs-

1. Chelladurai
2. Devaraj Naidu
3. Munusamy
4. Radha
5. Rukmani
6. Seith
7. Pangaraj
8. Thulasiammal
9. Poongavanammal
10. Kamala
11. Muniyammal
12. Kamala
13. Ramu
14. Elumalai
15. Natesan
16. Unnamalai
17. Muthuraman
18. Pachaiyammal

... Respondents



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Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order and decreetal order dated 03.11.2022 passed in I.A.No.1 of 2022 in C.M.P.No.592 of 2013 in AS.SR.No. 26726 of 2013 on the file of the Principal Judge, City Civil Court Chennai confirming the order and decreetal order dated 03.11.2022 in I.A.No.1 of 2022 in C.M.P.No. 692 of 2013 in AS.SR.No. 26726 of 2013 on the file of Principal Judge, City Civil Court, Chennai.

For Petitioner : Mr.D.Nellaiappan

ORDER

Challenging the impugned order passed in I.A.No.1 of 2022 in C.M.P.No. 692 of 2013 in AS.SR.No. 26726 of 2013, passed by the learned Principal Judge, City Civil Court, Chennai, the Revision Petitioner/appellant preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the appellate judge, notice to the respondents is dispensed with.

3. Before the trial court, the Revision Petitioner/appellant filed an application for condonation of delay to restore the appeal filed by him in



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C.M.P.No. 692 of 2013. That petition was dismissed for default. To restore the same, he filed an application in I.A.No.1 of 2022. During the pendency of the proceedings, some of the respondents died and no steps was taken inspite of opportunity given by the appellate court. But, as the batta was not paid, the said application was dismissed. Challenging the said findings, the Revision Petitioner/appellant preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner would submit that due to lack of communication, he was not able to pay batta. However, the counsel engaged by him also has not taken steps to follow the proceedings. So, his absence on that day is neither willful nor wanton. Hence, he prayed to set aside the findings of the trial judge.

5. Records perused. On perusal of records, it reveals that the said C.M.P. is pending from the year of 2013 and as the plaintiff, he approached the court for the relief of injunction and recovery of possession in the year of 2007 and all these days, he is fighting before the court. Therefore, in order to give one more opportunity, this Court is inclined to set aside the findings of appellate court in I.A.No.1 of 2022 in C.M.P.No.



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692 of 2013 in AS.SR.No.26726 of 2013 and both the said application in

I.A.No. 1 of 2022 as well as the petition in C.M.P.No.692 of 2013 are

ordered to be allowed. Accordingly, this Civil Revision Petition is allowed.

The Revision Petitioner/plaintiff is directed to take necessary steps to

implead the parties as early as possible. No costs. Consequently,

connected Civil Miscellaneous Petition is closed.

15.12.2023

Index : Yes/No

Speaking Order : Yes/No

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To

The Principal Judge, City Civil Court, Chennai.

T.V.THAMILSELVI, J.



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