



C.R.P.No.2821 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.03.2023

CORAM : JUSTICE **N.SESHASAYEE**

C.R.P. No.2821 of 2019

K.Subramani

... Petitioner / Petitioner / Appellant

Vs.

1.Mari

2.Velumani

... Respondents / Respondents /
Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair order and decretal order dated 26.06.2019 made in I.A.No.247 of 2018 in Unnumbered A.S. in C.F.R.No.10432 of 2018 on the file of the Court of the Principal District Judge, Erode, by allowing this civil revision petition.

For Petitioner : Mr.G.C.Nelson Britto
for Mr.C.E.Pratap

For Respondents : No appearance



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ORDER

Challenging the dismissal of money decree for Rs.1,40,453/-, the plaintiffs chose to prefer a first appeal, but after a delay of 1052 days in filing the same. He therefore took out an application in I.A.247/2018 for condonation of delay, and that came to be dismissed. This is now under challenge in this revision.

2. The respondents/defendants are served with notice of this revision and they did not choose to appear.

3. The learned counsel for the revision petitioner submitted that the revision petitioner was down with paralysis, and hence he could not file the first appeal in time. A copy of the medical certificate is also provided at Page 18 of the typed set of papers.

4. This Court is satisfied with the reasons adduced and deems it appropriate to allow the revision and condone the delay of 1052 days, however, subject to the condition that the revision petitioner deposits Rs.15,000/- to the credit of the appeal, within a week after the appeal is taken on record by the



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Registry of the first Appellate Court.

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5. With the above directions, this revision petition is allowed.

07.03.2023

Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

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To:

1. The Principal District Judge
Erode.

2. The Section Officer
VR Section, High Court, Madras.



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N.SESHASAYEE.J.,

ds

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