



WEB COPY



C.R.P. Nos.3936 & 3951 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.Nos.3936 & 3951 of 2023

and

CMP.Nos.24249 & 3951 of 2023

C.Krishnasamy

... Petitioner in both CRPs

Versus

G.Ramachandran

... Respondent in both CRPs

COMMON PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the decreetal order dated 24.08.2022 passed by the learned Principal District Judge, Salem in I.A.No.2 of 2022 in unnumbered A.S. (S.R.No.14149 of 2022) & (SR.No.14130 of 2022) respectively, against the decree and common judgment passed in O.S.Nos. 9 of 2012 & 101 of 2016, dated 13.08.2020 by the learned Subordinate Judge, Mettur.

1/4



C.R.P. Nos.3936 & 3951 of 2023

WEB COPY

For Petitioner : Mr. M. Venkadesh Kumar

COMMON ORDER

The petitioner has filed these petitions to set aside the decretal order dated 24.08.2022 passed by the learned Principal District Judge, Salem in I.A.No.2 of 2022 in unnumbered A.S. (S.R.No.14149 of 2022) & (SR.No.14130 of 2022) respectively, against the decree and common judgment passed in O.S.Nos. 9 of 2012 & 101 of 2016, dated 13.08.2020 by the learned Subordinate Judge, Mettur.

2. The learned counsel for the petitioner / defendant submitted that during Covid-19 Pandemic period, the suit was decreed on 13.08.2020, against which he has preferred First appeal, but there was a delay on his part, due to Covid-19 Padamic situation. In the mean while, the respondent has filed R.E.P.Nos.55 & 56 of 2021. But there was a delay of 297 days to prefer the First appeal. Hence, he filed an I.A.No.2 of 2022 in unnumbered



C.R.P. Nos.3936 & 3951 of 2023

A.S. (S.R.No.14149 of 2022) & (SR.No.14130 of 2022) and the same was allowed by the learned trial Judge by depositing 50 % of the refund of advance amount, as such it, is highly exorbitant and onus. Hence, he prays to set aside the findings and has preferred this revision.

3. On a perusal of the records, it reveals that, admittedly, decree was passed during Covid-19 Pandemic. The appearance of the litigant as well as the counsel were restricted during that period. So, there is no possibility of filing application in time. The reason assigned by the petitioner for delay is probable. But, the learned trial Judge erroneously ordered to deposit 50 % of the advance amount. If such order is permitted, his valuable right to defend the case will be defeated. Though the delay is exorbitant, the findings rendered by the learned trial Judge are set aside. I.As shall stand allowed. The petitioner / defendant is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the Tamil Nadu Legal Service Authority, High Court Campus, Chennai-600 104, within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the appeals are to be taken on file, by the Court below.



WEB COPY



C.R.P. Nos.3936 & 3951 of 2023

T.V.THAMILSELVI, J.

rr

4. Accordingly, these Civil Revision Petitions are disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

09.11.2023

Index : Yes / No

Neutral Citation: Yes / No

Speaking/Non-speaking order

rr

1. The Principal District Judge, Salem.
2. The Subordinate Judge Mettur.
3. The Section Officer,
VR Section, High Court of Madras.

C.R.P.Nos.3936 & 3951 of 2023
and
CMP.Nos.24249 & 3951 of 2023