



C.R.P.(NPD)No.3630 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(NPD)No.3630 of 2019
and C.M.P.No.23808 of 2019

P.K.Lakshmanaperumal

.. Petitioner

Vs.

1.G.Manickkam
2.D.Kasi
3.D.Saravanan
4.D.Dinesh

.. Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, 1908, against the fair and decretal order dated 18.10.2019 made in I.A.No.1 of 2019 in A.S.SR.No.12360 of 2019 on the file of the learned Principal Judge, City Civil Court, Chennai.

For Petitioner : Mr. B.Narayanan

For Respondents : No appearance



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ORDER

The revision has been preferred against an order condoning the delay of 661 days in filing A.S.SR.No.12360 of 2019. The lower Appellate Court imposed a costs of Rs.3,000/- and condoned the delay.

2. The civil revision petitioner is the plaintiff and the respondents are the defendants. The suit is one for bare injunction. Serious issues on title are involved in the suit. The learned trial Judge has found that the plaintiff has proved his title and granted a decree. The lower Appellate Court has taken into consideration this fact and has condoned the delay on the ground that the valuable rights of the appellant should not be curtailed on technical ground.

3. As held by the Supreme Court in **N.Balakrishnan vs. M.Krishnamurthy, 1998 (7) SCC 123**, once the discretion was exercised by the trial Court, the revisional Court must not normally interfere with the same, unless the same is capricious and arbitrary. I am satisfied that



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the order passed by the lower Appellate Court is not capricious and arbitrary, since the learned Judge has taken into consideration the valuable rights of the immovable property are involved.

4. Therefore, this Civil Revision Petition stands dismissed. The order passed in I.A.No.1 of 2019 in A.S.SR.No.12360 of 2019 dated 18.10.2019 stands confirmed. The lower Appellate Court is requested to take up the appeal and dispose of the same on or before 15.12.2023. It shall ensure that the appeal itself is disposed of and the time is not lost in taking up the interlocutory application that has been presented by either parties. No costs. Consequently, connected Miscellaneous Petition is closed.

23.08.2023

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

Note:Issue order copy on 24.08.2023

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V.LAKSHMINARAYANAN,J.

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To

The Principal Judge
City Civil Court, Chennai.

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