



C.R.P.(NPD)No.3571 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(NPD)No.3571 of 2019
and C.M.P.No.23405 of 2019

C.S.Palanisamy (died)

S.K.Sadasivam

... Petitioner

Vs.

1.Ammaniammal

2.Gomathidevi

3.P.Santhoshkumar

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 06.08.2019 made in I.A.No.33 of 2017 in O.S.No.188 of 2014 on the file of the learned Fourth Additional District Court, Bhavani, Erode District.

For Petitioner : Ms.Adhee Shree
for Mr.N.Manokaran

For Respondents : Ms.H.Kavitha (for R1)
for Mr.S.Kaithamalai Kumaran
Mr.V.K.Thiruvengadam (for R2 and R3)
for Mr.A.Sundaravadanan



C.R.P.(NPD)No.3571 of 2019

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ORDER

O.S.No.188 of 2014 is a suit for specific performance. The suit ended in an exparte decree on 28.10.2015. To set aside the same, an application was filed in I.A.No.33 of 2017 together with the delay of 386 days. The said delay was condoned on payment of Rs.2,500/-. Aggrieved by the same, the second plaintiff has filed this revision.

2.According to plaintiffs, the reason that has been given is not sufficient. It is alleged that during the period, the exparte decree was passed in O.S.No.188 of 2014, the defendant appeared in O.S.No.107 of 2011. Ms.Adhee Shree states the entire idea of the defendant is only to drag on the matter.

3.Heard Ms.Adhee Shree, Ms.H.Kavitha, and Mr.V.K.Thiruvengadam, for the parties in the revision.

4.It has been settled by the Supreme Court in ***N.Balakrishnan v. M.Krishnamoorthy*** reported in 1998 (7) SCC 123 that where the trial Court has been convinced as to the sufficient cause shown by the party, it should normally not be interfered within a revision. Here is a case where



C.R.P.(NPD)No.3571 of 2019

the defendant has given sufficient cause for non appearance on 28.10.2015. The trial Court convinced with the same has condoned the delay. It has also imposed a cost of Rs.2,500/-. Under such circumstances, following the verdict of the Supreme Court, I am not inclined to interfere with the discretion exercised by the learned trial Judge. Therefore, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

18.08.2023

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
rjr/vs

To

The IV Additional District Court,
Bhavani, Erode.



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C.R.P.(NPD)No.3571 of 2019

V.LAKSHMINARAYANAN,J.

rjr/vs

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