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*C.M.P.No.4672 of 2023 &
C.R.P.SR.No.17441 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.P.(MD)No.4672 of 2023
and
C.R.P.(MD)SR.No.17441 of 2023

A.Raja

... Petitioner/Petitioner

Vs.

Saroja

... Respondent/Respondent

PRAYER in C.R.P.SR.No.17441 of 2023: Civil Miscellaneous Appeal is filed under Section 115 of CPC, to set aside the order in I.A.No.1 of 2019 in A.S.No.16 of 2006 dated 18.11.2021 on the file of the Additional Sub Court, Dindigul and allow this Civil Revision Petition as prayed for.

PRAYER in C.M.P.No.4672 of 2023: Civil Miscellaneous Petition is filed under Section 5 of Limitation Act to condone the delay of 234 days in filing the Civil Revision Petition against the impugned order dated 18.11.2021 in I.A.No.1 of 2019 in A.S.No.16 of 2006 on the file of the Additional Sub Court, Dindigul.

For Petitioner : Mr.M.Perumal



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ORDER

There is no merits in the present Civil Revision Petition filed by the petitioner against the docket order dated 18.11.2021 for extension of time to deposit the amount which was directed to be deposited by the respondent in A.S.No.16 of 2006.

2.The fact remains that the respondent herein had filed a suit for partition of the suit schedule property in O.S.No.173 of 2003. The suit was ultimately decreed on 29.03.2005. Aggrieved by the same, the petitioner had filed A.S.No.16 of 2006 before the Principal Sub Court, Dindigul. The Additional Sub Court, Dindigul, has dismissed the appeal filed by the petitioner. However, the Court directed the respondent to pay a sum of Rs.51,000/-, which was not paid as per the judgment and decree dated 08.09.2010 in A.S.No.16 of 2006. The respondent has thereafter come forward to pay the amount and thus, filed I.A.No. 1 of 2019 which has been allowed vide impugned docket order which reads as under:-

“In the result, the petition is allowed. The petitioner is directed to pay Rs.51,000/- as per judgment of this Court dated 08.09.2010 together with interest at 4% per annum on Rs.51,000/- from December 2010 till depositing the amount into court or paying the same directly to the respondent/appellant.”



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3.The partition of the suit schedule property cannot be denied. The delay in paying the amount has been condoned. There is no merit in challenge to the aforesaid order by the Court.

4.Therefore, this Civil Miscellaneous Petition is dismissed.
Consequently, C.R.P.(MD)SR.No.17441 of 2023 is rejected.

13.04.2023

dss

Index : Yes/No

Speaking Order :Yes/No

To

1.The Additional Sub Court,
Dindigul.

2.The Section Officer,
V.R.Section,
Madras High Court,
Chennai.



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C.SARAVANAN, J.

dss

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