



CRP(MD).No.2353 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.03.2023**

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**CRP(MD).No. 2353 of 2022**

**and**

**C.M.P(MD)No.11381 of 2022**

M/s.Vinveli Thodarbu, Karur,  
rep., by its Proprietor-Cheran .. Petitioner/Respondent/Respondent

Vs.

M/s.Channel Plus-T.N.,  
(an Unit of Kal Comm Pvt., Ltd.),  
No.4, Nortan Road, Mandaveli,  
Chennai 600 028.

.. Respondent/Petitioner/Appellant

**PRAYER :** Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside the order dated 14.12.2021 in I.A.No.01 of 2021 in A.S.SR.No.2751 of 2021 on the file of the learned District Judge, Karur.

For Petitioners : Mr.B.Prasanna Vinoth  
For Respondents : Mr.V.Sathurthiraja  
for M/r.King & Partridge

### **ORDER**

The present revision petition has been filed by the respondent in a first appeal challenging the condonation of delay of 1065 days in filing the first appeal by the defendant.



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2. According to the learned counsel appearing for the petitioner, the appellant in the first appeal has not offered sufficient reasons for condoning the huge delay of 1065 days. However, the learned First Appellate Judge had condoned the delay after imposing a cost of Rs.10,000/-. On payment of the said cost, now, the first appeal has been numbered as A.S.No.1 of 2022.

2. The learned counsel for the respondent contended that the cost that was directed to be paid under the impugned order has been paid and the appeal has also been numbered. Hence, the First Appellate Court may be directed to dispose of the first appeal within a time frame.

3. The First Appellate Court has exercised its discretion and has condoned the delay by imposing a cost of Rs.10,000/-. The cost has also been paid by the appellant. Therefore, this Court is not inclined to interfere with the said order. However, the learned District Judge, Karur, is directed to dispose of the first appeal in A.S.No.1 of 2022 on or before 30.11.2023.



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4. With the aforesaid observation, the Civil Revision Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**03.03.2023**

Index : Yes / No  
Internet : Yes / No  
*Rmk*

To  
1.The District Judge, Karur.



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**R.VIJAYAKUMAR ,J.,**

*Rmk*

Order made in  
**CRP(MD).No.2353 of 2022**

Dated:  
**03.03.2023**