



WEB COPY

C.R.P(MD)No.1674 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.1674 of 2023

and

C.M.P(MD)No.8334 of 2023

E.Lakshmanan

... Petitioners/Respondent/
Respondent/Plaintiff

Vs.

V.Periyasamy

... Respondents/Petitioner/
Appellant/Defendant

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order of the learned Principal District Judge, Tiruchirappalli, made in I.A.No.38 of 2022 in ASSR.No. 14295/08.12.2022, dated 20.03.2023.

For Petitioners

:Mr.K.K.Senthil

ORDER

This civil revision petition is preferred against the fair and decreetal order dated 20.03.2023 in I.A.No.38 of 2022 in A.S.SR.No. 14295/08.12.2022 before the Principal District Judge, Tiruchirappalli.



2.The contention of the learned counsel for the petitioner is that the Court below erroneously allowed the application filed under Section 5 of the Limitation Act, without considering the objections made by the petitioner. The above application was preferred by the respondent to deny the rights of the petitioner in enjoying the decree for specific performance. The Court below has failed to take note of the fact that the only intention of the respondent/defendant is to delay the proceedings.

3.Considering the number of days in preferring the appeal to file an application for condonation of delay, which was only 11 days, this Court thinks that the reason assigned in the impugned order found to be reasonable. In the interest of justice sufficient opportunity must be given to the respondent to put-forth his defense. Therefore, no interference called for in the order of the Court below.

4.However, considering the facts and circumstances of the case, the Principal District Judge, Tiruchirappalli, is directed to dispose the appeal in A.S.SR.No.14295/08.12.2022, on merits and in accordance with law, as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order.



5. With the above direction, this Civil Revision Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

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NCC: Yes/No

Index: Yes/No

Internet: Yes/No

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To

1. The Principal District Judge,
Tiruchirappalli.

2. The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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