



C.R.P.(NPD) (MD)No.1919 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

**C.R.P.(NPD) (MD)No.1919 of 2015
and
M.P(MD)No.1 of 2015**

1.Fathima Beevi
2.A.Kathija
3.K.Seyathu

: Petitioners

Vs.

1.Ramu Servai
2.K.Ravi

3.The Secretary,
No.2-5/449, Ku 1385,
Paramakudi Society Bank Ltd.,
Paramakudi Nagar,
Paramakudi Taluk,
Ramanthapuram District.

4.The Manager,
Paramakudi Society Bank Ltd.,
Paramakudi Nagar,
Paramakudi Taluk,
Ramanthapuram District.



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- 5.Bhathirakalai,
- 6.Soundrarajan
- 7.Sairabanu
- 8.Shamala
- 9.Thangaraj
- 10.Sidiqe Ali
- 11.Kurchith banu
- 12.Mohammed Kani
- 13.Rojabeevi
- 14.Baskaran
- 15.Rathinam Asari (died)

- 16.Sri Ram Chitpand Ltd.,
The Assistant Manager,
No.5/257(6) S.R.K. Complex 1st Floor,
National Highways,
Paramakudi Nagar,
Paramakudi Taluk,
Ramanathapuram District.

- 17.Amutha
- 18.Minor Kodieswari
(R18 minor represented by R17)

: Respondents

PRAYER: Civil Revision Petition has been filed under Section 115 of Code of Civil Procedure to call for the records pertaining to the order dated 11.03.2015 made in I.A.No.180 of 2012 in I.P.No.2 of 2007 on the file of the Principal District Court, Ramanathapuram and set aside the same.



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For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.R.Saravanan for R3
Mr.S.Seenivasagam for R4
No appearance for R1, R2, R6, R7 to
R14, R16 to R18

ORDER

This Civil Revision Petition is filed to set aside the order dated 11.03.2015 made in I.A.No.180 of 2012 in I.P.No.2 of 2007 on the file of the Principal District Court, Ramanathapuram. The said I.A.No.180 of 2012 had been filed under Section 5 of the Limitation Act to condone the delay of 989 days in restoring I.P.No.2 of 2007, which was dismissed on 24.08.2009.

2.Heard the learned counsel for the petitioner, the learned counsels for the respondents 3 and 4 and perused the materials available on record.

3.The Interlocutory Application has been preferred as against I.P.No.2 of 2007, which was filed as early as 2007. It is found that the petitioners herein are indebted to the respondents and they have managed to keep



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payment of debts in abeyance by keeping the Civil Revision Petition in pendency. Moreover, the reason assigned for the delay is that the third petitioner met with an accident and he sustained severe grave injuries, hence, they are not able to take appropriate steps to get I.P.No.2 of 2007 restore within the limitation period.

4.In view of the fact that there were two more petitioners, the fact of the accident met by the one of the petitioners, cannot be a valid reason for condoning the delay. Moreover, the trial Court also properly appreciated the evidence deposed by the petitioners in the cross-examination. Further, the trial Court pointed out that the second petitioner was not able to give a convincing explanation for the delay. On the other hand, while deposing evidence, the facts set out by the second petitioner are contrary to those submissions made in the affidavit. Hence, it is seems that the petitioner did not approach the trial Court for condonation of delay with clean hands. Hence, the trial Court, after elaborate consideration of the facts and circumstances and also arguments of both the parties, has dismissed the petition with cost.



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5.In view of above fact, this Court is not inclined to interfere with the order passed by the trial Court. Hence, this Civil Revision Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

30.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
skn

To

- 1.The Principal District Court, Ramanathapuram.
- 2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI.,J

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