



CRP.NPD No.174 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED:11.06.2024

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THE HONOURABLE **MR.JUSTICE BATTU DEVANAND**

C.R.P.(NPD) No.174 of 2019

M.Theresa Ammal

... Petitioner / plaintiff

Vs.

1.Madurai Veeran

2.D.Venkattyesh

3.The Authorised Officer,
Stressed Assets Resolution Center,
Red Cross Buildings 2nd Floor,
no.32, Montieth Road,
Egmore, Chennai-8

4.The Branch Manager,
SMECCC, Egmore Branch,
State Bank of India,
Egmore, Chennai.

5.R.Padma

6.Jayanthi

7.The State, rep. by
The District Collector,
Kancheepuram.

8.The District Registrar,
The District Registration Office,



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Chengalpet.

9. The Sub-Registrar,
Sub-Registration Office,
Cheyyur,
Kancheepuram District.

.. respondents/defendants

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying against the fair and decreetal order in I.A.No.123 of 2018 in O.S.No.268 of 2009 on the file of the District Munsif Court at Madhurandhagam dated 25.07.2018.

For Petitioner	: Mr.M.Selvam
For Respondents	: Mr.M.L.Ganesh for R3 & 4 Mr.C.Sathish, GA for RR7 to 9

ORDER

This Civil Revision Petition has been filed against the order dated 25.07.2018 in I.A.No.123 of 2018 in O.S.No.268 of 2009 on the file of the District Munsif Court at Madhurandhagam.

2. The petitioner is the plaintiff in a suit in O.S.No.268 of 2009 and the respondents are the defendants in the said suit. The petitioner filed the suit against the defendants to declare the memorandum of deposit of title deeds as null and void registered on 21.05.2007 bearing document no.3185 of 2007 on the file of SRO, Cheyyur and for mandatory and permanent



injunction on the ground that the defendants are trying to illegally grab her only property with forged and fabricated documents and registered the same before the Registrar by impersonating her and now the 4th respondent/4th defendant Bank is trying to auction her only property.

3.The learned counsel for the petitioner submits that the 4th respondent Bank has filed O.A.No.91 of 2010 against her before the Debts Recovery Tribunal-I, Chennai and on 28.08.2017 an order was passed by DRT-I, Chennai. After receiving the order by her counsel on 14.11.2017, approached her with the said order and on that instance he enquired her about the statute of O.S.No.268 of 2009. Then the petitioner approached her counsel in O.S.No.268 of 2009 and only then she came to know that the said suit was dismissed on 13.06.2013 itself. The learned counsel submits that the petitioner is aged about 84 years and due to her old age and health ailment, she could not frequently visit the Court or meet the counsel at Madhuranthakam. In the above circumstances, the learned counsel submits that it is just and necessary to set aside the order of dismissal dated 13.06.2013 in the interest of justice.



4.It is also submitted that the petitioner filed a petition to condone the delay of 1619 days in filing the petition to set aside the order of dismissal dated 13.06.2013 in O.S.No.268 of 2009. The said application was dismissed by order dated 25.07.2018 by the trial Court holding that the petitioner failed to state the adequate reason for not filing restoration application in time. Aggrieved by the said order, the present Civil Revision Petition is filed.

5.The learned counsel for the 3rd respondent submits that prior to the filing of the suit itself, the 4th respondent Bank filed an application in O.A.No.91 of 2010 on the file of the DRT-I, Chennai and on 25.01.2019, the said Debt Recovery Tribunal passed an order in favour of the 4th respondent Bank to recover the amount of Rs.83,65,708.33 and recovery certificate was issued to that effect.

6.The learned counsel for the 4th respondent Bank submits that no sufficient cause has been shown by the petitioner to condone the abnormal delay and sought to dismiss this Revision Petition.



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7.Having heard the submissions made by the learned counsel on either side and upon careful perusal of the records, it is an admitted fact that the petitioner failed to show the sufficient cause to condone the abnormal delay of 1619 days in filing the petition to set aside the order of dismissal dated 13.06.2013. It is settled law that each day delay to be explained in detail by the petitioner to condone the delay in filing the petition. Except saying that the petitioner is old aged person, she failed to show any reasonable cause to condone the said delay. Under these circumstances, this Court is unable to consider the request of the petitioner. This Court does not find any infirmity in the order passed by the trial Court in dismissing I.A.No.123 of 2018 and as such interference of this Court is not warranted.

8.For the reasons stated above, this Civil Revision Petition is dismissed.

No costs.

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Index : Yes / No

Internet : Yes / No



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Cheyyur,
Kancheepuram District.



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