



C.M.P.No.2185 of 2024
in A.S.SR.No.92228 of 2008

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R.SURESH KUMAR, J.
and
K.KUMARESH BABU, J.

(Order of the Court was made by **R.SURESH KUMAR, J.**)

This Civil Miscellaneous Petition has been filed to condone the delay of 5242 days in re-presentation of appeal papers.

2. On a perusal of the reason that has been adduced in the affidavit filed in support of the petition, the petitioner has stated that the main appeal was filed on 11.11.2008, which was returned on 12.11.2008. Thereafter, it was re-presented and again the appeal papers were returned second time on 18.02.2009. The time given for compliance of defects was 10 days. Thereafter, the appeal papers have been re-presented only on 05.07.2023 ie., after 14 years. Therefore, there has been a delay of 5242 days in re-presenting the appeal papers.

3. For such a huge and inordinate delay, the petitioner has stated the reason that the delay was caused due to various reasons, mainly the delaying tactics adopted by the respondents, particularly the second respondent. The petitioner has also stated that the second respondent herein compelled the petitioner to sign a Memorandum of Compromise and he agreed to give six plots and the layout made in item No.7 of suit property. In that background, hoping that the second respondent will honour his obligation the petitioner had signed the compromise memo and accordingly final decree was made on 03.04.2009.



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4. After stating this, it is only after 14 years the petitioner has come out with this petition to condone the delay of 5242 days in re-presenting the main appeal papers.

5. The reasons stated by the petitioner in the affidavit filed in support of the petition is not at all worthy to be considered. It seems that there had been a compromise between the parties, pursuant to which a final decree was also made on 03.04.2009. After getting the final decree in the year 2009, after 14 years, appeal is preferred against the preliminary decree for which the reason stated is the delaying tactics which caused the delay, is an invented reason for which absolutely no supporting materials are there. Moreover, the petitioner after entering into a compromise with the other parties and also secured a final decree on 03.04.2009, cannot reopen the issue according to her whims and fancies, that too after 14 years. For such a move taken by the petitioner, this Court cannot be made a party.

6. Therefore, we are of the firm view that this petition does not deserves to be considered, it is liable to be dismissed and is accordingly dismissed.

(R.S.K.,J.) (K.B.,J.)
06.02.2024

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