



C.R.P. No.897 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P. No.897 of 2023 and C.M.P. Nos.6729 & 8444 of 2023

C.Kuppusamy

.. Petitioner

Versus

C.S.Appukutty

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the docket order dated 27.01.2023 passed in I.A. No.1192 of 2022 in A.S.C.F.R. No.9608 of 2022 on the file of the Principal District Court, Tirupur.

For Petitioner : Mr.D.Rameshkumar

For Respondent : Mr.K.Govi Ganesan

ORDER

This revision petition has been filed against the docket order dated 27.01.2023 passed by the Principal District Court, Tirupur in I.A. No.1192 of 2022 in A.S.C.F.R. No.9608 of 2022.



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2.Learned counsel for the petitioner would submit that the respondent

had filed a suit in O.S. No.77 of 2017 on the file of the Sub Court, Kangeyam for recovery of a sum of Rs.4,98,000/-, based on a promissory note, said to have been executed by the petitioner. The petitioner had contested the suit contending that a blank pro note, which was given, was misused by the respondent. The Trial Court had allowed the suit by judgment and decree dated 07.11.2019. Learned counsel for the petitioner would further submit that a certified copy of the judgment was received by the counsel for the petitioner only on 17.02.2020 and due to the on-set of covid, the petitioner had preferred an appeal before the Principal District Court, Thiruppur along with an Interlocutory Application in I.A. No.1192 of 2022 to condone the delay of 935 days in preferring the above appeal. The Appellate Judge, while condoning the delay, had passed a conditional order dated 27.01.2023 directing the petitioner to deposit an amount of Rs.80,000/- to the credit of O.S. No.77 of 2017. Since no reasons have been assigned by the Trial Court for passing the conditional order, the petitioner has filed this revision petition.



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3. This Court, on 12.04.2023 had permitted the petitioner to deposit the above amount of Rs.80,000/- by extending a further period of two weeks

4.Learned counsel for the petitioner would further submit that the petitioner has deposited the said amount.

5.Learned counsel for the respondent has acceded to the said factum.

6.Learned counsel for the petitioner would further submit that a direction may be issued to the learned Appellate Judge to number the appeal.

7.Heard Mr.D.Rameshkumar, learned counsel for the petitioner and Mr.K.Govi Ganesan, learned counsel for the respondent.

8.The petitioner has filed this revision against the docket order dated 27.01.2023 directing the petitioner to deposit the above amount of Rs.80,000/- to the credit of O.S. No.77 of 2017. Now the conditional order



has been

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A.D.JAGADISH CHANDIRA, J.

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complied with. Therefore, the Appellate Judge is directed to number the appeal and to take steps to dispose of the appeal as expeditiously as possible, preferably within a period of eight months from the date of receipt of a copy of this order.

9.With the above direction, this revision petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

09.08.2024

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To

The Principal District Court, Tirupur.

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