



C.R.P.No.3090 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2024

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. No.3090 of 2022
and C.M.P.Nos.16608, 18395, 18396,
18398, 18405, 18406 and 18407 of 2022

1.Vijayarani

2.Mahendrakumar

3.Sumalatha

... Petitioners

Vs.

Jayamma(Died)

1. Sathyaprema
2. Venkatasamy Reddy
3. Malligamma
4. Puttamma
5. Basavaraj
Easwari(died)
Gayathri(died)
6. Sivakumar
7. Manjunath
8. Dhanalakshmi
9. Sudhakar
- 10.Narayanareddy
11. Venugopal Reddy



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12. Babureddy
13. Sekarreddy
14. Nalini
15. Jayamma
16. Shanthamma
17. Babureddy
18. Manohar Reddy
19. Nanjamma
20. Ramesh Reddy
21. Veera Reddy
22. Umesh Reddy
- Kushal Raj (died)
23. Yallah Reddy
24. S.lavanya (Legal heir of Jayamma/1st Plaintiff)
25. Premlata Bokadia (Legal heir of Kushal Raj)
26. Sweety Devi (Legal heir of Kushal Raj)
27. Vipior Bokadia
28. Shalini Bokadia (Legal heir of Sweety Devi)

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code praying against the fair and decreetal order dated 28.04.2022 made in I.A.No.27 of 2018 in unnumbered A.S. on the file of the Principal District Judge, Krishnagiri.

For Petitioner	: Mr.P.Kannan
For Respondents	: Mr.N.Manoharan for R1 and R24
	Mr.M.Mariappan for R2
	Mr.P.Mani for R10
	Mr.C.Munusamy for R29
	No appearance
	for other respondents



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ORDER

This Civil Revision Petition has been filed to set aside the order dated 28.04.2022 passed in I.A.No.27 of 2018 in unnumbered A.S. on the file of the Principal District Judge, Krishnagiri for dismissing the condone delay application.

2. Learned counsel appearing for the revision petitioners/defendants 27 to 29 would submit that appeal has been filed in time. But the delay occurred only in representation of the papers which were returned for rectification of the defects by the Appellate Court. Therefore, the delay can be condoned on taking a lenient view. However, without considering the said aspects, the learned Judge had erroneously dismissed the condone delay application, against which, the present Civil Revision Petition has been filed.

3. Learned counsel for the respondents in this CRP, would submit that after passing of final decree for partition, the revision petitioners/defendants 27 to 29 filed appeal with defects and the same had been represented with delay and therefore, they filed the condone delay



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petition with a view to protract the proceedings. Therefore, the order passed by the learned Judge, dismissing the said condone delay petition, is in order.

4. Heard the learned counsel for the Revision petitioners and the respondents and perused the materials available on record.

5. A perusal of the order impugned would go to show that the learned Judge has given a finding that after passing of final decree for partition and execution petition is pending for delivery of possession, without disclosing these details, the petitioners have filed the condone delay petition in resubmitting the appeal memo in order to protract the proceedings unnecessarily.

6. Further, it is seen that the suit is filed for partition in the year 2004. After decreetal of the suit, the parties are struggling to get their partition rights. In such circumstances, the revision petitioners herein who filed the memorandum of appeal should have represented the appeal memo within the specified time limit. However, the contention of the revision petitioners that the counsel misplaced the bundle and it got mingled with old case bundles in his office and hence delay occurred, cannot be justified at all.



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7. The delay is an inordinate delay and no proper explanation had been given by the petitioners for condonation of such inordinate delay and thereby, the learned Judge, has rightly dismissed the petition seeking to condone the delay of 1294 days. This Court is of the considered opinion that there is no infirmity in the order passed by the learned Judge, warranting interference of this Court.

8. Accordingly, this Civil Revision Petition stands dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

27.02.2024

msv
To
The Principal District Judge, Krishnagiri



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J.NISHA BANU,J.

msv

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