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C.M.P.No.21230 of 2023

in

A.S.No.383 of 2021

RMT.TEEKAA RAMAN,J.,

This petition has been filed to condone the delay of 105 days in restore the petition in A.S.No.383 of 2021 which was dismissed for default on 20.02.2023.

2. Mr.V.R.Appaswamee, the learned counsel appearing for the respondent, stated that the respondent/plaintiff in O.S.No.83 of 2017 for Specific Performance of the Suit Sale Agreement. After contest, the suit was decreed on 19.01.2021 and he filed an Execution Petition in E.P.No.42 of 2021 before the learned Principal District Judge, Thiruvannamalai. Subsequently, the defendant/appellant preferred in A.S.No.383 of 2021 and obtained a stay on 22.11.2021. However, they have not paid batta, took any steps and accordingly, the C.M.P along with A.S was dismissed for default on 20.02.2023.

3. The Execution Court at Thiruvannamalai had executed a Sale Deed in favour of the respondent/plaintiff in Document No.1271 of 2013 before the SRO, Vettavalam, in Thiruvannamalai District. In view of the dismissal of the A.S., the learned counsel opposed the above facts and submitted that the petitioner is well aware of the execution proceedings but has now filed the petition to prolong the proceedings.



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RMT.TEEKAA RAMAN,J.,

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4. In view of the facts stated above and I find that there is no sufficient cause for condoning the delay and consequently, this petition is dismissed.

02.07.2024

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