



CRP.No.2516 of 2

THE HIGH COURT OF JUD ICATURE AT MADRAS

DATED: 09.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No.2516 of 2021

and

C.M.P.No.18892 of 2021

P.Sanjeevi

...Petitioner

Vs.

1.R.Gunsundari

2.R.Kalaiarasi

3.R.Thillaikarasi

...Respondents

Prayer: Civil Revision Petition filed under Section 227 of the Constitution of India, against the fair and final order in I.A.No.1 of 2021 in A.S.No.17 of 2014 on the file of the Principal District Judge, Salem.

For Petitioner : Mr.J.Prithivi

For Respondents : Mr.T.S.Vijayaraghavan

ORDER

An application filed by the petitioner seeking condonation of delay of 74 days in representing an application seeking to record the compromise was dismissed by the Trial Court. Hence, this revision.

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2.Heard Ms.J.Prithivi, learned counsel for the petitioner and Mr.T.S.Vijayaraghavan, learned counsel for the respondents.

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3.Mr.T.S.Vijayaraghavan, learned counsel for the respondents would submit that he has no objection for this revision being allowed. Normally, applications for condonation of delay in representation are allowed very liberally even without notice to the contesting party but, in the case on hand, unfortunately, the learned Principal District Judge has chosen to dismiss the application on the ground that a wrong provision of law has been stated.

4.This Court and the Hon'ble Supreme Court have been repeatedly stressing on the need of the Courts to take pragmatic view in matters of condonation of delay, particularly, in representation. Even as early as in 1987, in *the Collector, Land Acquisition Vs. Mst.Katiji* reported in **100 LW 767**, the Hon'ble Supreme Court has pointed out that technical consideration should not outweigh the cause of substantial justice. Unfortunately, as observed by the Hon'ble Supreme Court such liberal view has not percolated down the hierarchy, despite 37 years having passed by.



5.I find that the reasons assigned in the affidavit filed in support of the application are also justifiable and are sufficient. Hence, this Civil Revision Petition is **allowed**, the order of the learned Principal District Judge made in I.A.No.1 of 2021 is set aside and the same is allowed. The Trial Court namely, the Principal District Judge, Salem is directed to number the application for recording the compromise and proceed to dispose of the same in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

09.01.2024

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Nuetral Citation :No



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To:-

The Principal District Court,
Salem.

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R.SUBRAMANIAN, J.

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