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C.R.P.No.3429 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3429 of 2019

and

CMP.No.22548 of 2019

S. Periyasamy

... Petitioner

Vs.

1. V.Ka.Velusamy
2. Nagarajan
3. Sekar
4. Easwari
5. Selvi
6. Rajeswari
7. R. Mohanambal
8. The State Bank of India
Kavindapadi branch
Represented by its
Branch Manager,
Kavindapadi, Sathy Road,
Erode District.

9. A. Akila

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 20.06.2019 passed in I.A.No.5 of 2019 in AS.No.90 of 2018 on the file of the Principal District Judge, Erode.



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C.R.P.No.3429 of 2018



For Petitioner : Mr.C.Prabakaran

For Respondent : M/s.A. Sundaravadhanan for R4 & R 5
Insufficient address for R1 to R3
No appearance for R6 to R9

ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below allowing the application filed by the 1st respondent seeking to condone the delay of 142 days in filing the cross objection.

2. The petitioner herein filed a suit for specific performance and delivery of possession. He also sought for declaration that alleged sale deeds dated 19.12.2006, 04.06.2012 and 20.08.2013 were null and void and not binding on the plaintiff. The suit was dismissed by the Trial Court. Aggrieved by the same, the petitioner preferred an appeal in A.S.No.90 of 2018 on the file of the Principal District Judge, Erode.

3. Pending appeal, the 1st respondent herein preferred cross objection against certain adverse findings in the Trial Court judgment. There was a delay of 142 days in filing cross objection. In the affidavit filed in support of the



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condone delay petition, it was stated by the 1st respondent that at the time of preparing arguments, his counsel informed him that answer given by the Trial Judge in respect of issue No. 1 and additional issues No. 1 and 2 were against him and hence, he has to file cross objection regarding adverse findings. Immediately, the 1st respondent has come up with this petition seeking to condone the delay of 142 days in filing cross objection.

4. After considering rival submissions, the Court below has taken a liberal view and condoned the delay in order to give a fair opportunity to the 1st respondent. When the Court below exercised its' discretion in favour of condonation of the delay, this Court is not inclined to interfere with the same when the exercise of the discretion is not patently illegal. Therefore, I do not find any merits in the revision and hence, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.02.2024

Index : Yes / No
Internet : Yes / No
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To

The learned Principal District Judge,
Erode.

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S.SOUNTHAR, J.

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06.02.2024