



WEB COPY



C.R.P.No.3668 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.3668 of 2024

S.Indhira Gandhi

... Petitioner

Vs

M.Mallaiyasamy

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to direct the Principal Subordinate Court, Coimbatore, to dispose the petition for condone the delay in filing the petition to set aside the decree in in I.A.No.1 of 2023 on the file of the learned Principal Subordinate Judge, Coimbatore, preferred against the judgment and decree dated 03.02.2012 passed in O.S.No.125 of 2009.

For Petitioner : Mr.R.Kannan

ORDER

This Civil Revision Petition has been filed by the petitioner seeking for a direction to the learned Principal Subordinate Court, Coimbatore, to dispose the application in I.A.No.1 of 2023 in O.S.No.125 of 2009.



C.R.P.No.3668 of 2024

WEB COPY

2. It is submitted by the learned counsel for the petitioner that the suit filed by the petitioner/plaintiff for recovery of possession in O.S.No.125 of 2009 was decreed on 03.02.2012. Subsequently, the petitioner has filed an execution petition in E.P.No.657 of 2022 seeking delivery of possession. After receipt of notice in the execution petition, the respondent/defendant has filed an application under Section 5 of the Limitation Act, in I.A.No.1 of 2023 seeking to condone the delay of 4064 days in filing the petition to set aside the ex-parte decree passed in O.S.No.125 of 2009 on 03.02.2012. He further submitted that the said application has been repeatedly adjourned without any orders being passed since 2023. Thereby, the present civil revision petition has been filed seeking to direct the learned Judge concerned to pass orders in the application filed by the respondent in I.A.No.1 of 2023.

3. Heard the learned counsel for the petitioner and perused the materials available on record.



C.R.P.No.3668 of 2024

4. On perusal of records, it is seen that the suit filed by the petitioner/plaintiff was decreed in the year 2012 and the application filed by the respondent/defendant in I.A.No.1 of 2023 to condone the delay in filing the petition to set aside the decreetal order is pending for orders from 26.02.2024. Therefore, despite the decree being passed in 2012, the petitioner is unable to enjoy the fruits of the decree.

5. In view of the above, this Civil Revision Petition stands allowed with a direction to the learned Principal Subordinate Judge, Coimbatore, to pass orders in I.A.No.1 of 2023, as expeditiously as possible, preferably, within a period of **two weeks** from the date of receipt of a copy of this order. No costs.

10.09.2024

Index : Yes / No

Neutral Citation : Yes / No

ham

To

The Principal Subordinate Court,
Coimbatore.

3 / 4



WEB COPY



C.R.P.No.3668 of 2024

A.D.JAGADISH CHANDIRA, J.

ham

C.R.P.No.3668 of 2024

10.09.2024