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C.R.P.No.1619 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.1619 of 2024 and
C.M.P.No.8642 of 2024

1.Agnes Mary
2.Lasar
3.N.Parimala

... Petitioners

Vs.

1.S.Michael Dass
2.Arul Dass
3.S.Anthony Dass
4.Arit Rani
5.Alfonsa
6.Sowriamma

... Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of The Constitution of India, to set aside the fair and decreetal order dated 21.02.2022 passed in I.A.No.1 of 2018 in unnumbered O.S.Sr.No.4460 of 2018 on the file of the Principal District Judge, Kancheepuram District at Chengalpattu.

For Petitioners : Mr.Anabayachozhan

ORDER

This Civil Revision Petition has been preferred to set aside the fair and decreetal order dated 21.02.2022 passed in I.A.No.1 of 2019 in unnumbered



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O.S.Sr.No.4460 of 2018 on the file of the Principal District Judge,

Kancheepuram District at Chengalpattu.

2. Heard Mr.Anabayachozhan, learned counsel for the petitioners.

3. An unnumbered suit had been filed claiming several reliefs. The plaint had been returned and had been represented with delay of 365 days in re-filing. The said delay was condoned on 06.12.2021 stating that the delay in representation is condoned on the condition that the petitioners deposit a sum of Rs.2000/- on or before 07.01.2022 to the District Mediation Centre, Chengalpattu. This order was passed during Covid-19. Unfortunately, the petitioners did not deposit the said sum of Rs.2000/-. Hence, the learned Trial Judge by an order dated 21.02.2022 dismissed the application in I.A.No.1 of 2019. Hence, this revision.

4. In the application filed before the Trial Court as well as in the suit, the summons are yet to be served, and therefore in the light of the order that I am going to pass, the respondents are not necessary to be heard. The application is for condonation of delay in re-presentation, it was condoned on cost.



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5. However because of the pandemic, as stated by the learned counsel for the petitioners, the cost could not be deposited in time. Consequently, the application filed for condonation of delay in re-presentation has been dismissed. An application to condone the delay in re-presentation is a matter between the Court and the party. In this regard, it is relevant to cite a decision of this Court in the case of *Y.Cusbar Vs. K.Subbarayan, reported in 1993 TLNJ 375*.

6. Considering the fact that the petitioners have not deposited the amount due to pandemic and also the judgment of the Hon'ble Supreme Court *In Re : Cognizance for extension of Limitation, (2021) 17 SCC 231*, wherein, the Court held that the period of limitation stood suspended from 15.03.2020 to 28.02.2022, I am inclined to allow the revision and set aside the order of the learned Principal District Judge, Kancheepuram dated 21.02.2022. The cost that was imposed by the learned Judge on 06.12.2021 is enhanced to Rs.5000/- and the cost should be paid by the petitioners on or before 26.04.2024. The District Mediation Centre at Chengalpattu is requested to receive the cost that will be deposited by the petitioners on production of the web copy of this order.



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7. In view of the above observations, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

8. List this Civil Revision Petition on 30.04.2024 for reporting compliance.

Index: Yes/No
Speaking / Non Speaking Order
gsk

10.04.2024

NOTE : Issue order copy on 12.04.2024.



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To

The Principal District Judge,
Kancheepuram District.



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V.LAKSHMINARAYANAN,J.

gsk

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