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C.M.P.No.5666 of 2024

and

C.R.P.SR. No.138139 of 2023

S.SOUNTHAR,J.

The Civil Miscellaneous Petition is filed seeking to condone delay of 274 days in filing revision petition.

2. In the affidavit filed in support of the condone delay petition, it was stated by the petitioner that the respondent had been taking steps to execute the order passed and hence the petitioner is advised to file revision. The impugned order was passed on 05.08.2022 dismissing the application filed by the petitioner to condone delay of 509 days in filing restoration application seeking to restore O.P. No.385 of 2024 filed by her. In the affidavit filed in support of the condone delay petition, the petitioner has not given any reason explaining delay of 274 days in filing the revision. The reason given by the petitioner is that she has been advised to file revision. The steps taken by the respondent to execute order passed in main O.P. cannot be a sufficient cause within the meaning of Section 5 of Limitation Act. Any person who obtained executable order is expected to file execution petition. In the absence of any acceptable reason in the affidavit filed in support of condone delay petition, this Court is unable to exercise discretion in favour of petitioner and condone the delay.

3. Hence, the Civil Miscellaneous Petition stands dismissed.

Mjs

21.03.2024



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C.M.P.No.5666 of 2024
and C.R.P.SR.No.138139 of 2023

S.SOUNTHAR, J.

It is brought to the notice of this Court by the Registry that at the time of dismissing the C.M.P.No.5666 of 2024, no reference was made about consequential rejection of main revision and therefore, the Registry is not in a position to process the main revision papers.

2. In view of the dismissal of the petition to condone the delay in filing the revision in C.M.P.No.5666 of 2024, as a necessary consequence, the main C.R.P.SR.No.138139 of 2023 shall stand rejected. The Registry is directed to add the following as a last paragraph in the order dated 21.03.2024:

“In view of the dismissal of the condone delay petition, the C.R.P. SR. No. 138139 of 2023 is rejected in SR stage itself.”

3. Registry is directed to issue fresh order copy to the parties.

12.06.2024

vsm



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S.SOUNTHAR, J.

vsm

C.M.P.No.5666 of 2024
and
C.R.P.SR.No.138139 of 2023

12.06.2024