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C.M.P.No.29527 of 2023
in
CRP.SR.No.156345 of 2023

N.SATHISH KUMAR.J.,

This petition has been filed by the petitioners to condone the delay of 109 days, in filing the above Civil Revision Petition.

2.Learned counsel for the petitioners submitted that the petitioner's counsel met with an accident and he was taking bed rest for few months. Since the petitioners could not get the certified copy of the order till such time, there occurred a delay of 109 days in filing the Civil Revision Petition.

3.This petition is opposed by the respondent by way of counter stating that the delay has not been properly explained. According to the respondent, the Civil Revision Petition is not maintainable since the possession has already ordered in the execution proceedings.

4.Heard the learned counsel appearing for the petitioners as well as the respondent.



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rst

5.The suit has been filed for specific performance which has been decreed ex-parte. The present Revision is preferred against the dismissal order in the application filed for restoration of the application filed to set aside the ex-parte decree. Considering the nature of lis and the rights of the parties have to be decided based on the adjudication, a liberal approach has been extended to condone the delay in order to render substantial justice. Hence, the present petition is ordered as prayed for.

16.12.2024

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Note: Registry is directed to number the Civil Revision Petition, if it is otherwise in order.

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