



WEB COPY



CRP.No.5080 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

C.R.P. No.5080 of 2023

J.P.Sundarrajan

... Petitioner

VS

K.Jayaraman

... Respondent

Prayer: Civil Revision Petition filed under section 115 of CPC against the fair and decreetal order made in I.A.No.01 of 2023 in A.S.SR.No.4346 of 2023, dated 06.10.2023 on the file of the Principal Judge, City Civil Court, Chennai.

For Petitioner : Mrs.R.Hemalatha for
Mr.C.Prakasam

ORDER

The Civil Revision Petition is filed against the fair and decreetal order made in I.A.No.01 of 2023 in A.S.SR.No.4346 of 2023, dated 06.10.2023 on the file of the Principal Judge, City Civil Court, Chennai.



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2.The learned counsel for the petitioner submitted that the respondent herein has filed a suit against the petitioner in O.S.No.1644 of 2015 before the learned XVIII Asst. Judge, City Civil Court, Chennai for recovery of the amount of Rs.1,31,170/- together with interest at the rate of 12% per annum from the date of plaint till the date of realisation. After trial, the suit was decreed on 17.09.2019 by directing the defendant to pay a sum of Rs.1,31,170/- to the plaintiff with interest at the rate of 6% per annum from the date of plaint till the date of realisation along with costs. Against the decree and judgment passed in O.S.No.1644 of 2015, the petitioner preferred an appeal with a delay of 1214 days. He further submitted that due to COVID- 19, he was severely attacked and took treatment, hence, he could not prefer First Appeal in time, therefore, he filed the appeal with a delay of 1214 days. However, the learned trial judge, without considering the same in a proper perspective, rejected the condone delay petition filed by the petitioner in I.A.No.1 of 2023 in A.S.SR.No.4346 of 2023.

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



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4.In the affidavit, the petitioner had stated that he was affected by COVID-19. In the impugned order, it was observed that during the period on 17.09.2019, there was no COVID – 19 infection, however, the Supreme Court of India has passed an order exempting the limitation period from 15.03.2022 to 28.05.2022 for COVID 19. Citing the above, the learned counsel for the petitioner seeks an opportunity to contest his case and prayed for allowing the Civil Revision Petition.

5.On perusal of records, the fact reveals that after the suit in O.S.No.1644 of 2015 was decreed in favour of the respondent/plaintiff , the petitioner/defendant has filed to file an appeal within time. Thereafter, he filed the appeal with a delay of 1214 days. The reason assigned by the petitioner for the delay was that he was affected with covid 19 infection, but during the period on 17.09.2019, there was no covid. Therefore, the trial court found that the reason assigned by the petitioner as false one and hence not accepted the same. It is not disputed that during the period 17.09.2019, there was no covid infection.

Further, the Honourable Supreme Court has passed an order to consider the exempted limitation period for Covid 19 from 15.03.2022 to 28.05.2022. Under the circumstances, I find no infirmity or illegality in



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the impugned order passed by the court below. The Civil Revision

Petition is devoid of merits. Hence, the same is dismissed. No costs.

05.01.2024

Index:Yes/No

Internet:Yes/No

msr

To

The Principal Judge
City Civil Court,
Chennai.

V.SIVAGNANAM, J.

msr



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