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C.R.P.(NPD).Nos.3367 and 3369 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(NPD).Nos.3367 and 3369 of 2018
and C.M.P.No.19086 of 2018

Kumaresan

... Petitioner
(in both CRPs)

VS

1.Jai Varalakshmi Investments,
rep by its Managing Partners,
Varadarajan,
S/o. Venkatasamy,
No.5, Anjuman Street,
Gopalapuram,
Gudiyatham,
Vellore

A.G. Manicka Achari (died)

2.Pawnammal

3.Swaminathan

4.Susila

5.Sulochana

6.Ramesh

... Respondents
(in both CRPs)

1/6



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Common Prayer: Civil Revision Petitions are filed under Section 115 of Civil Procedure Code, praying to allow the above CRPs by setting aside the Fair and Decretal order dated 04.07.2018 passed in I.A.Nos.24 and 25 of 2018 in I.A.No.14 of 2015 in A.S. No. Nil of 2015, on the file of the Principal District Court, Vellore.

For Petitioner : Mr.M.Marudhachalam
for M/s.K.Govi Ganesan
(in both CRPs)

For R1 : Mr.K.A.Ravindran
(in both CRPs)

For R2 : Died

For R3 to R6 : No Appearance

COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed by the Court below dismissing the applications filed by the revision petitioner to recall PW.1 and produce three Sale Deeds dated 29.07.1999, 20.10.1999 and 23.08.2000 and to mark the same through PW.1.



2. The 1st respondent herein filed a suit for specific performance of Sale Agreement dated 27.11.1996 against one A.G.Manicka Achary and Pownammal and obtained *exparte* decree on 06.12.2000. The petitioner, who is the son of above said defendants filed appeal challenging the *exparte* decree with a delay of 4818 days in filing appeal. He also filed an application in I.A.No.14 of 2015 to condone the delay in filing the appeal.

3. These two applications are filed during the enquiry of Section 5 application, seeking recall of PW.1 and to produce three Sale Deeds in evidence through PW.1. The three Sale Deeds sought to be produced by the petitioner are prior to date of *exparte* decree. It is not clear how production of those three documents would help the petitioner to explain the huge delay of 4818 days in filing the appeal.

4. When petitioner is not able to show how the documents produced by him would help him to explain the delay, the case need not be reopened to enable the petitioner to recall PW.1 and mark documents, which are not relevant to consider the question of delay. Therefore, the Court below rightly



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came to the conclusion that the petitioner failed to convince the Court how the documents would help him to explain the delay and consequently, dismissed the applications. I do not find any illegality or irregularity in the order passed by the Court below.

5. Accordingly, both the Civil Revision Petitions are dismissed. No Costs. Consequently, the connected civil miscellaneous petition is closed.

09.01.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

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The Principal District Court,
Vellore.



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S.SOUNTHAR, J.

dm

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