



C.RP(MD)No.1575 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.07.2024

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CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(MD)No.1575 of 2024

and

C.M.P(MD).No.9320 of 2024

Kaveri (died)

1.Rajasekaran

2.Thenmozhi

3.Kathiravan

4.Devi Saravana Kumari

... Petitioners

Vs.,

1.Chellammal

2.Lakshmi

...Respondents

Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order passed in I.A.No.1 of 2022 in ASSR 180 of 2022 on 10.07.2023 passed by the Subordinate Court, Thuraiyur.

For Petitioners

: Mr.J.Vishnu

ORDER

The civil revision petition is directed against the fair and decreetal order made in I.A.No.1 of 2022 in ASSR 180 of 2022, dated 10.07.2023 passed by the learned Subordinate Judge, Thuraiyur.

2. In the said Interlocutory Application, the petitioners have prayed for condonation of delay of 1861 days in filing the appeal suit. The trial Court



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considered the reasons mentioned in the affidavit filed in support of the application and considered the fact that the final decree in the case was passed on 01.11.2016 and E.P.No.28 of 2018 was filed in the year 2018 and notice was served on the petitioners and as a matter of fact, the petitioners participated in the execution proceedings and possession was also ordered to be taken in the execution petition on 18.02.2021 and the possession was also actually taken through Court on 25.02.2021 and only, belatedly, thereafter in the year 2022, the present application is filed and dismissed the petition. In view of the said reasonings by the trial Court, this Court is unable to accept the contentions of the learned counsel for the petitioners to interfere in the matter.

3. In view of the long and humongous delay and in view of the fact that even after notice in the execution proceedings and participating in the execution proceedings, this application was filed only in the year 2022, that too after possession being taken in the execution petition in the year 2021, the Civil Revision Petition is without any merits and it is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

19.07.2024

NCC:Yes/No
Index:Yes/No
Rmk



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To

1.The Subordinate judge, Thuraiyur.



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

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