



C.R.P.(MD)No.2730 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.2730 of 2024

T.Rusonixon

... Petitioner

Vs.

1.L.Sundarsingh

2.Jammathuram

3.K.Jimilasanthi

... Respondents

PRAYER : Civil Revision Petition is filed under Section 115 of C.P.C., against the order, dated 30.06.2021, passed in I.A.No.1 of 2019 in A.S.S.R.No.1342 of 2019 on the file of the Principal District Judge, Kanniyakumari at Nagercoil.

For Petitioner

: Mr.M.P.Senthil

For R1

: M/s.Kalayarasi Bharathi

For R2 & R3

: No appearance

ORDER

The present civil revision petition is filed by the 1st defendant in the suit against the order, dated 30.06.2021, passed in I.A.No.1 of 2019 in A.S.S.R.No.



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1342 of 2019 on the file of the Principal District Judge, Kanniyakumari at Nagercoil.

2.The revision petitioner, the 2nd defendant in the suit, has preferred an appeal suit which is in SR stage. The 1st respondent herein / plaintiff had preferred a suit for specific performance and the same was allowed against which the revision petitioner / 1st defendant had preferred an appeal. However, the said appeal had been filed along with petition to condone the delay of 421 days in I.A.No.1 of 2019 and the same was disallowed. Aggrieved over the same, the present civil revision petition is filed.

3. This Court is of the considered opinion that each and every day of delay need not be explained. If there are genuine reasons in the affidavit, the delay ought to be condoned. The revision petitioner had stated health reasons and the same is acceptable. Therefore, this Court is inclined to condone the delay of 421 days. The impugned order passed in the I.A., is set aside and the delay is condoned. The Principal District Court, Kanniyakumari, is directed to number the



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Appeal Suit and the said appeal shall be completed within a period of six months from the date of receipt of a copy of this judgment.

4. With the above said observations, the civil revision petition is allowed.

No costs.

29.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

Tmg

To

1. Principal District Judge,
Kanniyakumari at Nagercoil.
2. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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