



C.R.P(MD)No.2131 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.2131 of 2024

Devarajan

... Revision Petitioner

Vs.

1.Pushparani

2.Sakthi Saravanan

... Revision Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order of issuing notice on petition to condone the delay to the respondents in I.A.No.1 of 2024 in O.S.S.R No.1082 of 2021 (unnumbered plaint) dated 01.07.2024 and pass an order directing the learned Principal District Judge, Dindigul to take the plaint on file after condoning the delay within the time stipulated by this Court.

For Petitioner : Mr.K.A.Mariappan



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ORDER

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Heard the learned counsel for the revision petitioner.

2.The revision petitioner presented a plaint before the Principal District Judge, Dindigul. It was returned. The plaint was re-presented with a delay of 963 days. I.A.No.1 of 2024 was filed to condone the same. The Court below issued notice. Contending that question of issuing notice will not arise in the case of condonation of delay in re-presentation, this Civil Revision Petition came to filed.

3.The learned counsel for the revision petitioner reiterated all the contentions set out in the grounds of revision.

4.I am not swayed by the said submissions. The Hon'ble Division Bench of the Madras High Court in the decision reported in **2018 1 CWC 397 (Assistant Manager, Indian Overseas Bank Vs Managing Director, Global Powertech Equipment Private Limited)** held as follows:

“11. Rules do not contemplate notice, to the Respondent, in the Petition filed for condoning the delay in representation of the papers, returned by the Registry,



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for complying with certain defects noticed. It is a matter between the Court and the Applicant/Petitioner. But the Court/Tribunal can consider issuance of Notice to the Respondent, depending upon the length of delay in representation, conduct of the party, seeking condonation, and the likelihood of rights accrued to a Third party, if any, pending lis. But, it is purely the discretion of the Court, depending upon the subject matter of dispute, and the prejudice, likely to be caused to a Third party, in condoning the delay in representation.”

In this case, the Court below exercised its discretion and issued notice. The question of interfering with the same in exercise of jurisdiction under Article 227 of the Constitution of India does not arise.

5.This Civil Revision Petition stands dismissed. There shall be no order as to costs.

11.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To

The Principal District Judge,
Dindigul.

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