



C.R.P.(MD)No.2267 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.2267 of 2024

Eswaran

... Petitioner

Vs.

Kumarayammal

... Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, against the order, dated 09.01.2023, in I.A.No.402 of 2020 in O.S.No.138 of 2014 on the file of the Principal District Munsif Court, Vendasandur.

For Petitioner : Mr.B.Azhagesh

For Respondent : Mr.G.Gomathi Sankar

ORDER

The present civil revision petition is filed by the 3rd defendant in the suit against the order, dated 09.01.2023, in I.A.No.402 of 2020 in O.S.No.138 of 2014 on the file of the Principal District Munsif Court, Vendasandur.



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2. The plaintiff in the suit is the respondent herein and the plaintiff had filed the suit for declaration and injunction based on the sale deed. Even though the revision petitioner was shown as 3rd defendant and even though he was represented by an Advocate the same was not prosecuted properly. The contention of the revision petitioner is that he had purchased the property from the 1st defendant and he was under the impression that the 1st defendant would defend his case. But the 1st defendant had failed to file sale deed and other relevant documents.

3. Infact for the aforesaid transaction, the parties had invoked criminal jurisdiction also and the revision petitioner had also faced criminal prosecution in C.C.No.302 of 2012 on the file of Judicial Magistrate Court. Even though the revision petitioner had attended criminal prosecution but failed to attend the civil case. Both the cases were conducted in the same court since it is District Munsif cum Judicial Magistrate Court.



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4. The contention of the revision petitioner is that he was mentally stressed while attending criminal prosecution. Further he ought to attend to his job which is in Kerala. Further, with the intention that his vendor would sufficiently protect his sale deed, the revision petitioner had stayed complacently. But the defendants 1 to 5 failed to appear before the Court.

5. On perusing the judgment, the defendants had not marked any documents and 'no' witness and the suit was not prosecuted properly by the defendants. Therefore, the revision petitioner filed an I.A., to contest the case with a delay of 1316 days but the same was dismissed. Aggrieved over the same, the present civil revision petition is filed.

6. In criminal prosecution the person would be mentally stressed and the person may not be in a position to concentrate in other activities. Further the revision petitioner ought to travel to Kerala for his job. And he was under the impression that the other defendants would contest the case and protect his interest. But the other defendants also failed to enter appearance. Therefore, the



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claim of the revision petitioner is acceptable. Since it is a huge delay, the revision petitioner is liable to cost of Rs.7,500/- to the respondent herein for the huge delay of 1316 days. On such payment, the delay is condoned and the suit is restored on the file of the Principal District Munsif Court, Veda sandur. The suit shall be completed within a period of six months from the date of receipt of a copy of this order.

7. With the above said directions, the civil revision petition is allowed. No costs.

30.10.2024

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

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To

- 1.Principal District Munsif Court,
Vedasandur.
- 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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