



C.R.P.(MD)No.2082 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2024

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.2082 of 2021

Marimuthu

... Petitioner

Vs.

- 1.Muthulakshmi
- 2.S.Kaveri Selvam
- 3.S.Uma Maheswari
- 4.Ambika
- 5.Maragatham
- 6.Thirumalai Kumarasamy
- 7.Mariammal
- 8.Jeyalakshmi
- 9.S.Shanmugasundaram
- 10.S.Rajeswari
- 11.S.Sivasankaran

... Respondents

(Notice to Respondents 4 to 11 may be dispensed with since they were set exparte)

PRAYER : Civil Revision Petition is filed under Section 115 of C.P.C., against the order, dated 08.10.2021, in I.A.No.1 of 2019 in A.S.Sr.No.9410 of 2019, on the file of the Principal District Court, Tirunelveli.

For Petitioner	: Mr.T.Selvan
For R1 to R3	: Mr.M.Senguvijay
For R4 to R11	: Notice dispensed with



WEB COPY



C.R.P.(MD)No.2082 of 2021

ORDER

The present civil revision petition is filed by the plaintiff against the order, dated 08.10.2021, in I.A.No.1 of 2019 in A.S.Sr.No.9410 of 2019, on the file of the Principal District Court, Tirunelveli.

2. The suit was filed by the revision petitioner herein for partition but the same was dismissed after contesting the case. Aggrieved over the same, the plaintiff had preferred an appeal, which is in SR stage. Along with the appeal, the plaintiff / revision petitioner had preferred petition in I.A.No.1 of 2019 to condone the delay of 442 days.

3. The contention of the respondents is that there is no reason stated in the affidavit to condone the delay. However, on perusal, it is seen that the petitioner has stated that he was having heavy loans, therefore, he could not concentrate in the litigation.



C.R.P.(MD)No.2082 of 2021

WEB COPY

4. This Court is of the considered opinion when a person is in distress because of loan, he cannot concentrate in the litigation. Therefore, the said reason is acceptable. Since the delay is 442 days, which is more than one year, this Court is imposing a cost of Rs.750/- payable to the credit of District Siddha Medical Officer, CCRI, Periyakulam (A/c.No.10767823177, IFSC Code:SBIN0000898, State Bank of India, Periyakulam Branch). On such payment the delay is condoned and the I.A.No.1 of 2019 is allowed. The Principal District Court, Tirunelveli, is directed to number the appeal, take the appeal on file and complete the appeal within a period of six months from the date of receipt of a copy of this order.

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

No costs.

25.10.2024

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



WEB COPY



C.R.P.(MD)No.2082 of 2021

To

- 1.Principal District Court, Tirunelveli.
- 2.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(MD)No.2082 of 2021

S.SRIMATHY, J.

Tmg

C.R.P.(MD)No.2082 of 2021

25.10.2024