



C.R.P.(NPD)(MD)No.3 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.03.2024

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.(NPD)(MD)No.3 of 2020

Jeyasekar

... Petitioner

Vs.

Jeyasree

... Respondent

PRAYER: Petition filed under Section 115 of C.P.C. praying to call for the records relating to Fair and decreetal order in I.A.No.1 of 2019 in O.S.No. 13 of 2012 passed by Principal District Court, Kanyakumari District at Nagercoil, dated 18.10.2019 and set aside the same.

For Petitioner : Mr.K.P.Narayanakumar

For Respondent : No Appearance



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ORDER

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This Civil Revision Petition is directed against an order dated 18.10.2019 passed in I.A.No.1 of 2019 in O.S.No.13 of 2012 on the file of the Principal District Court, Kanyakumari District at Nagercoil.

2. The petitioner herein is the plaintiff in O.S.NO.13 of 2012, which was filed for specific performance and other reliefs. The said suit was dismissed for default on 17.04.2013. Thereafter, the petitioner filed I.A.No. 413 of 2013 under Section 5 of the Limitation Act seeking condonation of delay in filing restoration application and the same was also dismissed on 21.11.2013 for default as batta not paid. Thereafter, the petitioner filed I.A.No.1 of 2019 seeking condonation of delay of 2006 days in filing a petition under Order 9 Rule 9 CPC, seeking restoration of the suit. The said application was dismissed by the learned trial Court by the order under revision.

3. The learned trial Court having taken note of the fact that initially the suit was dismissed on 17.04.2013 for default and also the fact that



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I.A.No.413 of 2013 was also dismissed on 21.11.2013 for want of payment of batta, considered the application filed seeking condonation of delay 2006 days. The learned trial Court has considered the matter elaborately and having taken note of the various decisions rendered by this Court came to the conclusion that the petitioner failed to explain the reason for such an abnormal delay and failed to furnish any sufficient cause warranting condonation of delay. This Court, having thoroughly gone through the order under revision, does not find any error or illegality in the said order warranting interference of this Court under article 227 of the Constitution of India.

4. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs.

11.03.2024

NCC : Yes/No

Index : Yes/No

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MUMMINENI SUDHEER KUMAR, J.

vsm

To

1.The Principal District Court,
Kanyakumari District at Nagercoil.

2.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court, Madurai.

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