



CMP(MD).No.2365 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGOVAN

CMP(MD).No. 2365 of 2023 in
CRP(MD).SR.No.78652 of 2022

T. Malathi

... Petitioner

Vs.

S.Muthumanickam

... Respondent

PRAYER in CMP(MD).No.2365 of 2023:- Petition filed under Section 151 CPC to condone the delay of 287 days in filing the above Civil Revision Petition against the order dated 13.12.2019 passed in I.A.No. 1291 of 2016 in I.A.No.912 of 2013 in I.A.No.1427 of 2011 in O.S.No. 181 of 2010 on the file of the District Munsif Cum Judicial Magistrate No.I, Srivilliputtur, Virudhunagar District.

Prayer in CRP(MD).SR.No.78652 of 2022: Civil Revision Petition under Article 227 of the Constitution of India to set aside the order, dated 13.12.2019 passed in I.A.No.1291 of 2016 in I.A.No.912 of 2013 in I.A.No.1427 of 2011 in O.S.No.181 of 2010 on the file of the District Munsif Cum Judicial Magistrate No.I, Srivilliputtur, Virudhunagar District.



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For Petitioner : Mr.T. Thirumurugan
For respondent : Mr. C.Jeayprakash

ORDER

The suit in O.S.No.181 of 2010 was filed by the respondent herein seeking the relief of declaration and consequential injunction and for declaration that Document Nos. 232 of 2001, 1022 of 2023 on the file of Sub Registrar, Kunnur and another Document No.2654 of 2009 are null and void. The revision petitioner / defendant entered appearance and later remained ex parte. To set aside the ex parte decree she filed a petition in I.A.No.912 of 2013 that was also dismissed for default. To restore that application with a delay of 1120 days, I.A.No.181 of 2010 was taken out that came to be dismissed by the trial Court. Against which this revision is preferred,

2. Heard both sides and perused the materials available on record.

3. The main suit is for declaration. The revision petitioner filed vakalat on 11.06.2010. She did not file a written statement. So she was set ex parte on 12.07.2010. On 30.08.2010, ex parte decree was



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passed. To set aside the ex parte decree she filed an application in I.A.No.1427 of 2011 to condone the delay of 347 days. It was allowed on payment of cost on 22.11.2012. Cost was not paid. So, the petition was dismissed on 07.12.2012. Later she filed I.A.No.912 of 2013 to restore the petition in I.A.No.1427 of 2011 that was also allowed on payment of cost. Again that was dismissed for default on 11.10.2013. Again another application was filed by the revision petitioner in I.A.No. 1291 of 2016, on 11.12.2016 to condone the delay of 1126 days. That was dismissed. Against which this revision is filed.

4. Not only that she preferred the application with a delay of 1126 days, this revision is also preferred after a period of four years from the date of order passed by the trial court. The dates and events submitted by the respondent indicates that the petitioner tried her level best to drag on the proceedings. She filed petitions not once, but thrice. All the three times, the trial Court was very lenient to the petitioner. But she just utilized the opportunity to drag on the proceedings endlessly.

5. Now, the grievance of the petitioner is that the purchasers



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make trouble stating that the property sold by the petitioner, does not belong to her. They filed a suit also. She has to contest the matter. But the respondent counsel submitted that patta was transferred in his name. Suppressing the fact, the petitioner filed a petition in WP(MD).No.804 of 2023 seeking police protection. Similarly, several writ petitions were filed challenging the cancellation of sale deed executed by the petitioner. The development has taken place subsequent to the filing of the suit. Without indicating the same, the petitioner has approached this Court. Once she has sold the property to the third parties, the third parties also filed several suits, I find absolutely no reason to condone the delay. Hence, this Civil Miscellaneous Petition is dismissed. Consequently, CRP(MD).SR.No.78652 of 2022 is also rejected in the SR stage itself. No costs.

26.03.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp

To
The District Munsif Cum Judicial Magistrate No.I, Srivilliputur,
Virudhunagar District.

G.ILANGO VAN,J.



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Trp

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