



C.R.P.(MD)No.2578 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.2578 of 2022
and C.M.P.(MD).No.12700 of 2022

Ponnudurai

... Petitioner/Respondent/
Respondent/Plaintiff

Vs.

1.The Forest Range Officer,
Kuttalam Range Office,
Kuttalam, Tirunelveli District,
Now at Tenkasi District.

2.The District Forest Officer,
DFO Office,
Tirunelveli, now at Tenkasi District.

3.District Collector,
Tirunelveli District,
Now Tenkasi District.

... Respondents/Petitioner/Appellant/
Defendants

PRAYER : Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to call for the records pertaining to the order passed by Sub Court, Ambasamudram in I.A.No.2 of 2019 in unnumbered A.S.No.... of 2019, dated 13.07.2022 and set aside the same as erroneous and unsustainable.



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For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

This revision petition has been filed to set aside the order passed by Sub Court, Ambasamudram in I.A.No.2 of 2019 in unnumbered A.S.No.... of 2019, dated 13.07.2022.

2.The facts in brief:

Suit in O.S.No.189 of 2015 was filed by this revision petitioner seeking the relief of declaration that the suit property absolutely belongs to him and for permanent injunction, cost. Suit was decided against the respondent herein. Against which they intended to prefer appeal before the appellate authority. In preferring the appeal there is a delay of 464 days. To condone the delay, I.A.No.2 of 2019 was filed before the appellate Court. That came to be allowed on condition of payment of cost of Rs.4,000/-, within a stipulated time. Against which this revision is preferred.



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3.The grounds upon which this revision is preferred that a false affidavit was sworn by the respondent before the appellate Court. The officer, who was holding the post at the time of passing the decree, continued in the same post for about 1 ½ years. Acting upon false affidavit the order was passed by the appellate Court.

4.Reading of the order passed by the appellate Court shows that the petition was filed on the ground that the Ranger, who was working in the particular post, was transferred, later the first respondent came to the post and only at the time, he came to know that the appeal was not preferred within the time stipulated. Because of the administrative reasons, the delay occurred.

5.That was resisted by the revision petitioner stating that he was issued with patta for the property and made arrangements to cultivate the land. At that time, the petition was filed. The very same ground was raised by the revision petitioner before the appellate Court also with regard to the reason assigned by the respondent. On going through the duty Register, the appellate Court has recorded a finding that from



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01.01.2017 to 16.08.2018 one Senthilkumar was the Ranger and on 16.08.2018, one Pandiarajan joined in the post and continued till 31.12.2018. So on that ground the delay was condoned.

6.I absolutely, find no reason to differ from the above said finding. The appellate Court exercised the discretion in a particular manner and unless the revision petitioner is able to say that that discretion was exercised in improper and illegal manner, the revision will not lie. As mentioned above, no new ground is mentioned to interfere into the order. So the revision fails.

7.Accordingly, this civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.12.2024

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



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To

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- 1.The Subordinate Judge, Ambasamudram.
- 2.The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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