



C.R.P(MD)Nos.661 and 662 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)Nos.661 and 662 of 2024

S.T.Palraj

... Petitioner / Appellant
in both CRPs

Vs

Elumalai

... Respondent / Respondent
in both CRPs

Prayer in **C.R.P(MD)No.661 of 2024** : This Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the fair and decreetal order dated 29.02.2023 made in I.A.No.147 of 2020 in A.S.No.13 of 2018 on the file of the Principal District and Sessions Judge, Pudukkottai and allowed this Civil Revision Petition.

Prayer in **C.R.P(MD)No.662 of 2024** : This Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the fair and decreetal order dated 28.02.2023 made in I.A.No.139 of 2021 in A.S.No.13 of 2018 on the file of the Principal District and Sessions Judge, Pudukkottai and allowed this Civil Revision Petition.



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For Petitioner : Mr.A.V.Rajasekaran

For Respondent : Mr.N.Balakrishnan

(in both CRPs)

COMMON ORDER

These Civil Revision Petitions are filed to set aside the fair and decreetal order dated 29.02.2023 made in I.A.No.147 of 2020 and the fair and decreetal order dated 28.02.2023 made in I.A.No.139 of 2021 in A.S.No.13 of 2018 on the file of the Principal District and Sessions Judge, Pudukkottai and allowed this Civil Revision Petition.

2. A suit in O.S.No.413 of 2010 was filed by the revision petitioner herein against the respondent, seeking the relief of specific performance and for cost. That was dismissed by the trial Court. Against which, A.S.No.13 of 2018 was preferred by the plaintiff before the appellate Court namely Principal District Judge, Pudukkottai and that came to be dismissed for default. To set aside the above said dismissal order, there is a delay of 364 days. Therefore, petitions were filed to condone the delay and to set aside the order, were filed. That came to be dismissed by



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the appellate Court. Against which this Civil Revision Petition is preferred.

3. As mentioned above, the suit is one for specific performance and an appeal was also filed in time. Reason for the non appearance of the appellant and his counsel before the appellate Court was stating he due to his illness, after that he suffered loss in his business and he went to depression. Later the Covid-19 Pandemic period intervened. Only thereafter, he approached the advocate.

4. That was resisted by the respondent by filing counter and the appellate Court dismissed the petitions stating that the reason assigned by the revision petitioner is not supported by any document, which is also vague and unacceptable. Against which these Civil Revision Petitions are preferred.

5. Since the main suit is one for specific performance and also suffered a dismissal at the hands of the trial Court, there is no point or reason for the revision petitioner to drag on the proceedings at the



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appellate stage.

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6. Therefore, I am of the considered view that one more opportunity may be given to the appellant to argue the matter. For the inconvenience caused to the respondent, the petitioners were directed to pay a sum of Rs.2,500/- (Rupees Two Thousand Five Hundred only) in both petitions, on or before 09.12.2024. Since the order of this Court was complied by the petitioner, this Court is inclined to allow these Civil Revision Petition.

7. Accordingly, these Civil Revision Petitions are allowed and the fair and decreetal order dated 29.02.2023 made in I.A.No.147 of 2020 and the fair and decreetal order dated 28.02.2023 made in I.A.No.139 of 2021 in A.S.No.13 of 2018 on the file of the Principal District and Sessions Judge, Pudukkottai, are set aside. No costs.

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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09.12.2024



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- 1.The Principal District and Sessions Judge, Pudukkottai.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVAN, J.

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ORDER
IN

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