



CRP.No.1931 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 08.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP.No.1931 of 2024
and CMP.No.10209 of 2024

1.K.Ramu
2.K.Mukunthan
3.K.Rangaraj

... Petitioners

Versus

Evergreen Industries Pvt Ltd
Represented by its Manager
Shri Anupam Mishra, S/o. P.N.Mishra

... Respondent

Prayer: Petition filed under Section 115 of the Code of Civil Procedure to set aside the fair and final order dated 13.02.2024 passed by the learned District Judge of the Nilgris at Udthagamandalam in I.A.No.4 of 2023 in A.S.C.F.R.No.3665 of 2023.

For petitioner : Mr.L.Mouli
For respondent : Mr.M.Rajasekhar

ORDER

Challenging the impugned order rejecting the application filed to condone the delay of 586 days in filing the appeal, the present revision has been filed.



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2. The suit has been originally filed for recovery of advance amount paid by the respondent in agreement of sale dated 25.07.2011. The suit was decreed on 08.01.2021. To set aside the said decree and judgment, application has been taken out by the revision petitioner to condone the delay of 817 days in filing the appeal. The reasons assigned in this application is that since his sister in law was suffering from arthotedis ailment, she was admitted in the hospital in Coimbatore for medical treatment from 01.01.2021 to 01.07.2022. Therefore, the petitioner could not meet his advocate to file the appeal in time. The respondent opposed that application contending that the petitioner has not shown sufficient cause to condone the delay in filing the appeal. The Trial Court, considering the conduct of the parties held that sufficient reasons has not been shown to condone the delay and dismissed the application. Hence, this order.

3. The learned counsel for the petitioner submitted that though the petitioner sought to condone the delay of 817 days, the Trial Court itself found that there is 586 days, hence, seeks liberal approach by this Court to contest the matter on merits. Hence, seeks for allowing this revision



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and not in a position to explain the reasons satisfactorily. The reasons assigned in the affidavit that his sister in law suffering from arthotedis ailment taking treatment, therefore, the was residing in Coimbatore is also highly improbable. Arthotedis is not a serious one and therefore, the contention that he was all along in the hospital in Coimbatore for years together is highly improbable. Further, there is no materials whatsoever placed before the Trial Court to show that his sister in law has undergone the treatment.

7. Considering the above, this Court is of the view that the Trial Court exercised its jurisdiction properly and had analysed the conduct of the parties. Such view of the matter, I do not find any merits in this revision and accordingly, this revision stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

08.01.2025

Index : Yes / No
Speaking/non speaking order
dhk



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To,
1. The District Judge
District Court of the Nilgris
Udhagamandalam



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N. SATHISH KUMAR, J.

dhk

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