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CMP NO. 13181 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CMP NO. 13181 of 2019

in CRP.SR.No.72424 of 2019

Jansi Rani

W/o. Late. Jagansingh, No.39, Jayasakthi Nagar, Jeeva Nagar,
Kanakampalayam Village, Udumalpet Tk.

Appellant(s)

Vs

VENKATACHALAPATHI

S/o. Krishnasamychettiar, No.16, Sadik Nagar, Pollachi Road,
Udumalpet Tk. and 3 Others

Respondent(s)

For Appellant(s): Mr.D.R. Arun Kumar

For Respondent(s): Mr.R.Nalliyappan

ORDER

Challenge has been filed to condone the delay of 723 days in filing the above revision.

2. Originally, the suit has been filed by the revision petitioner for specific performance. The suit has been decreed on 05.07.2010. While decreeing the suit, the Court has directed the revision petitioner to deposit the sale consideration of Rs.1,85,000/- within a period of one month, however, the said amount has not been deposited as directed by the Trial Court. Thereafter after four years, an application has been taken out for extension of time on the

ground that the balance sale consideration has been used for the medical treatment of the



petitioner's daughter. The said application has been opposed by the respondent.

The Trial Court after considering the evidences of PW1 has disbelieved the version of the petitioner

and did not extend the time and dismissed the application on 21.03.2017. Challenging the said

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order, the revision has been filed with a delay of 723 days. The reasons assigned for such

huge delay before this Court is that he has sent the certified copy of the order to his counsel

in Chennai for filing the revision in the year 2017 itself. But later, he was informed by his

counsel that the content of the order is totally irrelevant to the case on hand. Hence, he again

applied for the order and obtained the corrected copies only on 15.05.2019. Therefore, there

was delay.

3. Heard both sides and perused the materials placed on record.

4. In fact, originally, certified copy was issued in the year 2017, other than the submissions

of the counsel, the Trial Court has discussed everything and passed a detailed order.

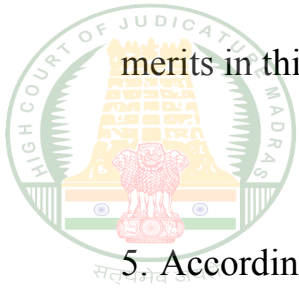
However, thereafter, an amendment application has been filed incorporating their

submissions and later other certified copy has been obtained in the year 2019. These facts

clearly indicate that only in order to give some reasons for such delay, the very amendment

application is filed to incorporate the arguments at later point of time and make it appear as if

the earlier order of the Trial Court does not contain reasons. Therefore, I do not find any



merits in this petition to condone the delay.



5. Accordingly, this petition stands dismissed. No costs. The respondents herein are directed

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to return the advance amount with interest @ 7.5% pa from the date of agreement till the date of realisation.

28.01.2025

dhk

N.SATHISH KUMAR, J.



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