



C.R..P.(NPD)(MD).No.1350 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.1350 of 2025

G.Elangovan

... Petitioner/Petitioner
Petitioner

Vs.

1. T.Jesudoss

2. R.Raman @ Bose

3. G.Mathivanan

... Respondents/Respondents/
Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to number the condone delay application in representing the Execution Petition in unnumbered in E.A.No..... of 2023 in Unnumbered in E.P.No.....of 2003 in O.S.No.322 of 1983 on the file of the Principal Sub Court, Madurai.

For Petitioner : Mr.P.Alagusundaram



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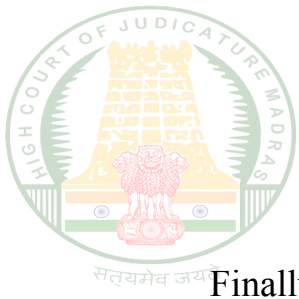
ORDER

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The present Civil Revision Petition has been filed by a transferee from the decree holder seeking a direction to number an application filed to condone the delay in representing the execution petition.

2. The petitioner herein has filed O.S.No.322 of 1983 on the file of the Principal Sub Court, Madurai, for the relief of specific performance as against the other respondents herein. The suit was decreed as prayed for on 31.01.1989. Challenging the same, the third defendant had filed A.S.No.357 of 1989 before the Principal Bench of Madras High Court. The appeal was dismissed as withdrawn on 06.12.1993 on the ground that the matter has been settled out of Court.

3. In the meantime, the decree holder had executed a document on 08.04.1992 in favour of the revision petitioner, which is a decree made over document. Based upon the decree made over document, the present revision petitioner has presented execution petition in the year 2003. The execution Petition has been returned on various occasions citing several reasons.



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Finally, the revision petitioner has represented the same with a delay of 3458 days. In order to condone the delay in representation, the petitioner has filed an application. This application has been returned on 02.08.2024 questioning the maintainability. Challenging the said order, the present Civil Revision Petition has been filed.

4. There cannot be any dispute with regard to the maintainability of the application to condone the delay in representation in the execution proceedings. Therefore, the order of return is set aside and the execution Court is directed to number the application to condone the delay in representation.

5. Considering the above said facts, the trial Court is directed to number the application to condone the delay in representation, if it is otherwise in order and proceed to pass orders in accordance with law.



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6. With the above said observations, this Civil Revision Petition stands allowed. There shall be no order as to costs.

25.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

Note:. The Registry is directed to return the original impugned order after getting necessary acknowledgment from the learned counsel appearing for the revision petitioner.

To

1. The Principal Sub Court,
Madurai.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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