



C.R.P.(NPD)(MD).No.1773 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.1773 of 2021

and

C.M.P.(MD)No.9455 of 2021

Maria Vasuki

... Petitioner

Vs.

Chinnathai

... Respondent

PRAYER: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to set aside the fair and decretal order dated 12.07.2021 passed in I.A.No.1 of 2020 in an unnumbered A.S.No..... of 2020 on the file of the Principal Sub Court, Tirunelveli.

For Petitioner : Mr.Jerin Mathew

For Respondent : Mr.R.J.Karthick

ORDER

This Civil Revision Petition is filed challenging the order dated 12.07.2021 passed in I.A.No.1 of 2020 in an unnumbered A.S.No..... of 2020 on the file of the Principal Sub Court, Tirunelveli.

2.The petitioner is the defendant in the suit in O.S.No.452 of 2010 filed by the
<https://www.mhc.tn.gov.in/judis>



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respondent/plaintiff for declaration and permanent injunction. The said suit was decreed on 16.08.2017. Challenging the said decree and judgment, the petitioner filed an appeal, however with the delay of 1132 days. The said petition was dismissed. Challenging the same, the present Civil Revision Petition is filed.

3.The learned Counsel for the petitioner submits that the petitioner entrusted the case to his Advocate. However, the said Advocate has not informed about the disposal of the suit as against the petitioner. Hence, the delay was occurred and the said delay is neither wanton nor wilful. Hence, the petitioner seeks an opportunity to conduct his case.

4.The learned counsel for the petitioner further on instructions submits that the petitioner is ready to pay a sum of Rs.1 lakh to the respondent/ plaintiff for the delay caused in filing the appeal suit.

5.The learned counsel for the respondent has not raised any serious objection for the same.

6.In view of the above, the petitioner is directed to pay a sum of Rs. 1,00,000/- (Rupees one lakh only) to the respondent/plaintiff and produce the proof



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for such payment before the trial Court within a period of two weeks from the date of receipt of a copy of this order. On such receipt, the trial Court is directed to condone the delay in filing the appeal and take the appeal suit on file and decide the same on merits and in accordance with law after providing opportunity to the parties concerned. It is made clear that if petitioner is not extending her cooperation for the appeal proceedings, the lower Appellate Court shall draw adverse inference as against the petitioner and proceed with the appeal proceedings.

7. With the above direction, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

The Civil Revision Petition has been posted on Friday, the Twenty Ninth day of August, Two Thousand and Twenty Five, under the caption "for being Mentioned". In pursuance to the order of this Court dated 07.08.2025 and made herein in the presence of the above said Advocates, this Court made the following order:-

The Civil Revision Petition is listed under the caption, 'for being mentioned' at the instance of the learned counsel for the petitioner.

2. This Court vide order dated 07.08.2025 issued a direction to the petitioner to pay Rs.1,00,000/- as cost to the respondent/plaintiff to hear the appeal on



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merits. However, the trial Court proceeded with the execution proceedings by ordering delivery and if it allowed, the appeal has become infructuous and the order passed by this Court has also become infructuous.

3. Heard the learned counsel for the respondent.

4. In view of the said submission, EP No.40/2020 on the file of the Principal District Munsif Court, Tirunelveli, is ordered to be deferred for a period of two weeks in order to enable the petitioner to obtain an order before the trial/lower appellate Court.

5. Accordingly, the order dated 07.08.2025 is clarified.

Sd/-

17.08.2025

(*)Substituted as per order of this Court dated 29/08/2025

Sd/-

Assistant Registrar (CO)

// True Copy //

/08/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

RR

To:-

1.The Principal Sub Judge, Tirunelveli.

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2.The Principal District Munsif, Tirunelveli.

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Copy To: The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-55377[F] dated 29/08/2025)

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07.08.2025

JJ/02.09.2025 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023