

IN THE COURT OF THE DISTRICT MUNSIF, SRIPERUMBUDUR

Present: Mrs.Saranya Selvam, B.A.,B.L.,(Hons.) ,

District Munsif,

Sriperumbudur.(FAC)

Tuesday, the 8th day of August 2023

I.A No. 01/2022

in

O.S. No.402/2014

1. Gunasekaran(Late)

2. Parimala Devi

3. Samkruthi

4. Jamathkini Sagun,

(Represented by his mother

Parimala Devi)

.....Petitioners/Plaintiffs

/Vs/

1. S.Manoharan

2. S.Palani

3. S.Senthil Kumar

4. S.Muthukumar

5. S.Venkatesh

6. The Sub-Registrar,

Padappai.

..... Respondents/Defendants

This Petition has come up for final hearing on this day in the presence of Mr.M.Anbuselvan, Learned Counsels for the Petitioner/ Plaintiff and Mr.R.Ranjithkumar, Learned Counsel for the Respondents/Defendants and upon hearing both sides & upon perusing the documents on record and having stood over for consideration till this date, this Court delivers the following:

ORDER

1. The instant Petition is filed by the Petitioner/ Plaintiff under sec.5 of limitation act praying for the relief of delay of 1316 days in filing the accompanying application to set aside the abatement of the suit may be condoned.

2. Averments in the Petition in brief:

The Petitioner submits that there is a delay of 1316 days in filing the petition to setaside the abatement. The delay is neither willful nor wanton. The delay occurred due to gathering the particulars of proposed parties.

3. Brief Averments in the Counter filed by the 4th Respondent adopted by 1 to 3

& 5th Respondent:

The respondents deny all the allegations and averments except those that are specifically admitted herein. The Respondent content that suit is based upon fabricated, created and time barred Sale agreement dated 24.08.1988. The Respondent further submits that there is no specific reason assigned by petitioners for delay of nearly 4 years. The Petitioner have taken things for granted and filed this

vexatious application with a hope that the abnormal period of delay will be condoned.

Hence prayed for dismissal with cost.

4. Heard both sides & Records perused.

5. Points for Determination:

Whether the Petition deserves to be allowed?

6. Discussion and Reasoning:

The Respondent counsel though vehemently opposed and raised contention in counter, has not raised any serious objection during his enquiry. On hearing both sides, this Court deems fit in condoning the delay of 1316 days and allowing this petition.

In the result, this Petition is allowed.

Dictated to the Steno-typist, typed by her in the computer, corrected and pronounced by me in the Open Court on this the 08th day August - 2023.

(Sd/- .Saranya Selvam)
District Munsif,
Sriperumbudur. (FAC).

Annexure:

Petitioner & Respondents side Witnesses and Documents: NIL

(Sd/- .Saranya Selvam)
District Munsif,
Sriperumbudur. (FAC).