

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

RP.No. 1047 of 2015 ()

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AGAINST THE JUDGMENT IN OP(C) 1014/2015 DATED 20-10-2015.**

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REVIEW PETITIONER/1ST RESPONDENT:

**CHANDRAKUMAR, S/O.PARAMESWARAN NAIR,
CLASSIC NIVAS, ARONKAMUGAL, ATHIYANNOOR DESOM,
ATHIYANNOOR VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.G.SUDHEER.

RESPONDENT(S):

- 1. PRASANNAKUMARI, D/O.KRISHNA PILLAI,
GEETHA BHAVAN, ARANGAMUGAL,
ATHIYANNOOR DESOM, ATHIYANNOOR VILLAGE,
THIRUVANANTHAPURAM-695 001.**
- 2. GEETHA, AGED 43 YEARS,
D/O.PRASANNAKUMARI, GEETHA BHAVAN,
ARANGAMUGAL, ATHIYANNOOR DESOM,
ATHIYANNOOR VILLAGE, THIRUVANANTHAPURAM-695 001.**

BY ADV. SRI.RAM MOHAN.G.

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

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in

O.P.(C)No.1014 of 2015

Dated this the 17th day of November, 2015

O R D E R

Review petitioner was the first respondent in OP.1014 of 2015. He was the sole defendant in OS.693 of 2008. He had raised a counter claim in his written statement. The suit was decreed ex parte on 5.11.2010. His application to set aside ex parte decree and application to condone the delay in filing it were allowed by the learned Munsiff. This was challenged by the plaintiff in the OP. This court found that the review petitioner could not explain the long delay in filing the application to set aside the ex parte decree. Accordingly, this court set aside the order of the learned Munsiff and dismissed the petitions filed by the review petitioner. This judgment is sought to be reviewed.

2. Heard.

3. The petitioner has no case that there is an error apparent on the face of the record. His only case is that

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the court should have given a liberal interpretation to the expression 'sufficient cause'. But the court cannot set aside decrees on sympathetic grounds. A defendant, who has failed to explain the inordinate delay in filing the application to set aside the decree cannot be heard to say that the court should show sympathy to him. This review petition is not maintainable.

In the result, this review petition is dismissed.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge