

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1356 of 2015

S.Sankaran

... Petitioner

v.

1.Rajathi

2.Munian

3.Natesan

4.Palanisamy

5.Perumal

6.Kolantha Gounder

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and order dated 5.6.2012 made in I.A.No.276 of 2012 in I.A.No.871 of 2011 in O.S.No.282 of 2009 on the file of District Munsif, Mettur.

For Petitioner : Mr.T.N.Rangesh Kanna

**ORDER**

Aggrieved over the fair and final order passed in I.A.No.276 of 2012 in I.A.No.871 of 2011 in O.S.No.282 of 2009 on the file of District Munsif, Mettur, the defendant has filed the above Civil Revision Petition.

2. The defendant has file the suit in O.S.No.282 of 2009 for permanent injunction. The suit was filed in the year 2009. Since the defendant remained absent on 27.01.2011, an ex parte decree was passed against the defendant. Thereafter, the defendant filed an application in I.A.No.871 of 2011 to set aside the ex parte decree and the said application was allowed by the trial court on payment of cost of Rs.300/- on 12.10.2011. Thereafter, the defendant filed an application in I.A.No.276 of 2012 in I.A.No.871 of 2011 to extend the time for paying the cost of Rs.300/-. The trial court dismissed the application on 5.6.2012. Now, after a lapse of nearly 3 years, the defendant has filed the present Civil Revision petition challenging the order passed in I.A.No.276 of 2012, dated 5.6.2012.

3. The trial court while dismissing the application rightly found that the application for extension of time was filed by the defendant after a lapse of four months without giving any valid reasons for the said period.

4. Since the application itself was filed after a lapse of four months, the present Civil Revision Petition filed after three years from the date of dismissal of the application, cannot be entertained. Hence, the Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.04.2015

Index : No  
Internet : Yes

Rj

To

The District Munsif Court,  
Mettur

M. DURAISWAMY,J.,

Rj

C.R.P.(PD)No.1356 of 2015

06.04.2015