

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

C.R.P.(PD)No.3128 of 2015

U.Kanakasabai . Petitioner/Petitioner/10 Defendant

Vs.

Ranganathan . Respondent/Respondent/Plaintiff

Prayer : Civil Revision Petition has been filed under Section 115 of CPC against the order dated 04.03.2015 passed in I.A.No.309 of 2014 in O.S.No.149 of 1999 on the file of District Munsif Court, Jayamkondam, Ariyalur District.

For Petitioner : Mr.C.Prakasam

ORDER

The revision petitioner is the tenth defendant in O.S.No.149 of 1999 on the file of the District Munsif, Jeyamkondam.

2. The plaintiff in O.S.No.149 of 1999 sought specific performance of the suit property based on the Sale Agreement dated 16.03.1998, entered into between the plaintiff and the defendants 1 and 2.

3. The tenth defendant was set ex-parte and the suit was contested by the other defendants and it was decreed on 27.08.2007.

4. Thereafter, the plaintiff filed E.P.No.35 of 2008 in O.S.No.149 of 1999 and the revision petitioner, who was the tenth defendant, appeared before the Court on 22.08.2008 in the execution proceedings. However, he did not contest and file objection. Hence, on 18.03.2009, the execution petition was decided in favour of the plaintiff.

5. Subsequently, the application filed by the plaintiff in E.A.No.8 of 2010 in O.S.No.149 of 1999 was allowed and the document was registered in the name of the plaintiff.

6. The revision petitioner state that he went to abroad and therefore, there was a delay of 831 days in approaching the Court

seeking to set aside the ex-parte decree. He filed I.A.No.309/2014 in OS No.149/1999 to condone the delay of 831 days in filing the application to set aside the exparte decree. The Trial Court passed an order dated 04.03.2015 in I.A.No.309/2014 in OS No.149/1999 rejecting the same. This revision petition is against the said order.

7. Heard the learned counsel for the revision petitioner.

8. The trial Court went into the aforesaid facts and found that the petitioner herein failed to assign sufficient reasons for the enormous delay. The aforesaid facts are taken into account by the Trial Court, while dismissing IA No.309/2014 in OS No.149/1999. I am not inclined to interfere with the order of the Trial Court refusing to condone the enormous delay of 831 days, in the circumstances mentioned above.

9. Hence, this Civil Revision Petition fails and the same is dismissed. No costs.
Gg

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub-Assistant Registrar

To

The District Munsif,
Jayamkondam,
Ariyalur District.

+1 C.C. To MR.C.Prakasam, Advocate in SR.NO.40042

C.R.P.No.3128 of 2015

RSI (CO)

sd : 04/11/2015

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