

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.4335 of 2015 &

M.P.No.1 of 2015

1.Abdul Khader

2.M/s.Crescent Engineering Company

Represented by its Partnership

Dean Mahal, NO.50, L.B. Road

Adyar, Chennai – 600 020.

... Petitioners

v.

Bansilal Girdharidas

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 13.12.2012 passed in I.A.No.13548 of 2011 in O.S.No.3362 of 2011 on the file of the XVIII Assistant City Civil Court, Chennai.

For Petitioner : Mr.S.Balaji

O R D E R

Challenging the fair and final order dated 13.12.2012 passed in I.A.No.13548 of 2011 in O.S.No.3362 of 2011 on the file of XVIII Assistant Judge, City Civil Court, Chennai, the defendants have filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S.No. 3362 of 2011 for recovery of money under Order 37, Rule 1 of CPC.

3. The defendants filed an application in I.A.No.13548 of 2011 to leave to defend the suit, which was dismissed by the Trial Court on 13.12.2012. While dismissing the application, the Trial Court took into consideration the case of both the parties and came to the conclusion that the defendants have not made out a case in the application. That apart, the defendants have challenged the order dated 13.12.2012 after nearly 3 years from the date of passing of the order. The Trial Court also considered the case of both the parties and rightly came to the conclusion that the application deserves to be dismissed. Further, the defendants have not explained the reasons for not challenging the impugned order within a

reasonable time. The defendants have not explained the reasons for the latches in filing the present Civil Revision Petition. In these circumstances, the Trial Court has rightly dismissed the application.

4. In view of the above, I find no reason to entertain the Civil Revision Petition nearly after 3 years. 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.

05.11.2015

Index : No
Internet : Yes

Rj

To

The XVIII Assistant Judge,
City Civil Court,
Chennai,

M. DURAISWAMY,J.,

Rj

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