

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

C.R.P.(NPD).No.4701 of 2015
and M.P.No.1 of 2015

Walajabad Co-operative Land Development
Bank Limited,
rep by its Secretary D.Kannadasan
having Office at Walajabad Town,
Walajabad Taluk, Kanchipuram District.

... Petitioner

Vs.

1.N.Venugopal
2.Udhayakumari

... Respondents

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the order and decreetal order dated 19.03.2015 made in I.A.No.540 of 2014 in M.C.O.P.No.446 of 2000 on the file of the District Court II, Kanchipuram.

For Petitioner : Mr.Y.Jyothish Chander

ORDER

Challenging the fair and decreetal order passed in I.A.No.540 of 2014 in M.C.O.P.No.446 of 2000 on the file of the District Court II, Kanchipuram, the 3rd respondent has filed the above Civil Revision Petition.

2.The respondents filed M.C.O.P.No.446 of 2000 claiming a compensation of Rs.5,00,000/- for the death of their son in a road accident that occurred on 09.02.2000.

3.The Motor Accidents Claims Tribunal awarded a sum of Rs.3,15,000/- on 22.03.2006. Thereafter, the petitioner herein, who had financed for the purchase of the vehicle, filed an application under Order 9 Rule 13 of the Civil Procedure Code to set aside the exparte decree passed against them. According to the petitioner, the petition filed by the revision petitioner was returned for compliance by the Registry of the District Court. Thereafter, the petitioner filed an application in I.A.No.540 of 2014 to condone the delay of 2063 days in re-presenting the petition. In the affidavit filed in support of the petition, the petitioner has stated that the bundle got mixed up with the disposed of bundles, therefore, the papers could not be traced and the papers were traced only two days prior to the filing of the petition in I.A.No.540 of 2014. The claimants filed their counter disputing the averments stated in the affidavit filed in support of the petition.

4.In order to condone the inordinate delay of 2063 days, the petitioner has, in a causal manner, stated that the bundle got mixed up with the disposed of bundles and therefore, the delay of nearly seven years should be

condoned. The reasoning given by the petitioner cannot be accepted, since the delay is very much on the higher side. In the absence of sufficient cause shown by the petitioner, the delay cannot be condoned. In these circumstances, the trial Court has rightly dismissed the application.

5. In these circumstances, I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

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To

The District Court II,
Kanchipuram.

M.DURAISWAMY,J.
va

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