



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

CRP(MD).No.185 of 2015 and M.P.(MD).No. 1 of 2015

WEB COPY

Arulmigu Jothi Vinayakar Idol,
in Jyothi vinayagar Temple,
at Chettioorani in S.No.351,
in ManjaniViduthi Village,
rep. by the Managing Trustee,
Cum Worshipper,
Karuppaiah Chettiyar

: Petitioner/Respondent/Plaintiff

Vs.

1. Chidambaram Chettiyar
2. Karuppayee
3. Sulaika Beevi
4. Ganesan
5. Veeraiah
6. Pappa
7. Veerappan
8. Rajambal
9. Poomalai
10. Kaliyammal
11. Chidambaram
12. Karuppiyah

: Respondents/Respondent/Defendants

Prayer: This Civil Revision Petition is filed against the fair and decreetal order rendered in I.A.No.916 of 2013 in O.S.No.215 of 2011 dated 06..12.2013 on the file of the District Munsif, Pudukottai.

For Petitioner : Mr. N. Balakrishnan

ORDER

The suit for recovery of possession and permanent injunction was filed by the revision petitioner/plaintiff/temple. The respondents / defendants appeared through counsel. However, they were set ex parte on 27.06.2012. The defendants have not filed written statement, despite several opportunities been given. Pursuant to the ex parte decree, E.P.No.9 of 2013 was filed for recovery of "C to M" schedule properties. The defendants received notice with the E.P.No.9 of 2013 through Advocate and also took several adjournments in E.P.No.9 of 2013 but did not care to file an application to set aside the ex parte decree. However, they filed an application in I.A.No.916 of 2013 to condone the delay of 389 days in filing a petition to set aside ex parte decree. The said application was allowed by the learned District Munsif, Pudukkottai. Aggrieved by the same, the revision has been filed.

<https://hcservices.ecourts.gov.in/hcservices> It, sufficient cause has to be shown in any matter that has been filed with the delay. But, however, time and again and it is repeated by the Hon'ble Supreme Court and this Court that the liberal



approach should be taken in such matter, subject to the condition that defaulter must give an acceptable explanation for the delay.

3. In this case the respondents / defendants pleaded that due to serious illness he could not go to the advocate office to give details. It is pointed out by the petitioner that there are no details about the duration of ailment or about the treatment taken by him for the alleged fever, which the respondent was suffering from. In the absence of such details it is contended by the learned counsel for the petitioner that the application ought not to have been allowed.

4. However, the learned District Munsif, Pudukkottai has thought it fit to allow the application after seeing the parties and satisfied with the reasons. The learned District Munsif, Pudukkottai in his discretion allowed the application on payment of cost of Rs.500/-. The petitioner herein being a temple and the respondents have been squatting over the property and adopting delaying tactics cannot be left unnoticed.

5. In view of the above there is no infirmity and irregularity in the order passed by the learned District Munsif, Pudukkottai in I.A.No.916 of 2013 dated 06.12.2013 and the same is hereby confirmed. As the suit is of the year 2011, the learned District Munsif, Pudukkottai is directed to dispose of the same on or before 30th June 2015.

6. With the above direction, this Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(Per Admn.)

/TRUE COPY/

Sub Assistant Registrar

To

The District Munsif, Pudukkottai.

CRP(MD) .No.185 of 2015 and
M.P. (MD) .No. 1 of 2015
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trp
PA/09.03.2015/P2/2C