



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:23/3/2015

C O R A M
THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

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C.R.P.PD (MD) No.567 of 2015

Natarajan ... Petitioner

Vs

Subbiah ... Respondent

Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 9/2/2015 passed in I.A.No.1417 of 2014 in O.S.No.329 of 2013 on the file of the Principal District Munsif Court, Sankarankovil.

For petitioner ... Mr.V.Meenakshi Sundaram

O R D E R

This revision is filed by the plaintiff, aggrieved by the order condoning the delay of 341 days in setting aside the ex parte decree.

2. The suit is filed for recovery of money based on a promissory note and the suit was decreed ex parte.

3. The revision petitioner contended that pursuant to the decree, E.P was filed. In the said E.P., the defendant received notice on 1/8/2014 and entered appearance through his counsel on 7/8/2014 before the Court. Thereafter, the application is filed only on 8/10/2014 with a delay. Therefore, there is no bona fides in the case of the defendant.

4. However, the trial Court, after considering the facts and evidence and the defendant being set ex parte for the first time, granted an opportunity to prove his case. Hence exercising the discretion vested in him has allowed the application on payment of cost of Rs.500/- on or before 13/2/2015. Once discretion is exercised, unless it is perverse, there is no reason to set aside the same. Therefore, there is no infirmity in the order passed by the learned Principal District Munsif, Sankarankovil.

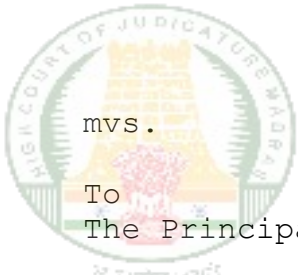
5. In the result, this Civil Revision Petition is dismissed, confirming the order passed by the learned Principal District Munsif, Sankarankovil in I.A.No.1417 of 2014 in O.S.No.329 of 2013. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar



mvs.

To

The Principal District Munsif, Sankarankovil.

+1cc to MR.D.NALLATHAMBI,ADVOCATE IN SR NO.14072

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