

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.4415 of 2014

ORDER:

The respondent herein has filed O.S.No.65 of 2013 in the Court of the Principal Junior Civil Judge at Tiruvur, for recovery of money on the strength of a promissory note, against the petitioner herein. As the petitioner was called absent on 03.06.2013, he was set *ex parte* and an *ex parte* decree was passed on 10.06.2013. Thereafter, the petitioner has filed the present application in I.A.No.281 of 2014, seeking to set-aside the *ex parte* decree, and also another application for condonation of delay in filing the present I.A. The application filed for condonation of delay was allowed on payment of costs. By the impugned order, dated 11.09.2014, the Court below has allowed the present I.A on condition of the petitioner depositing 1/4th of the suit amount. Aggrieved by such condition, the present revision is filed.

Though the respondent is served, he has not entered appearance to oppose this petition.

Heard learned counsel for the petitioner and perused the impugned order.

The suit is of the year 2013 and the application filed

to condone the delay in filing the application to set-aside the *ex parte* decree was allowed. A perusal of the impugned order discloses a clear finding of the Court below that the reasons mentioned by the petitioner, for his non-appearance, in his affidavit, are sufficient to set-aside the *ex parte* decree. In this view of the matter, this Court is of the considered opinion that the condition imposed by the trial Court for setting aside the *ex parte* decree is liable to be set-aside.

Accordingly, the Civil Revision Petition is allowed and the order under revision is set-aside to the extent of the condition to deposit 1/4th of the suit amount. There shall be no order as to costs.

The miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

R.SUBHASH REDDY, J

20.02.2015

v v