

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

C.R.P. (PD) No.1618 of 2016

and

C.M.P.No.8763 of 2016

Velayutham

.... Petitioner

Versus

Paramasivam

.... Respondent

Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the fair and decretal order dated 08.12.2015 in I.A. No.541 of 2015 in I.A. No.815 of 2007 in O.S. No.188 of 2006 on the file of the District Munsif cum Judicial Magistrate, Tittakudi.

For Petitioner : Mrs.R.Meenal

ORDER

This revision challenges the order of learned District Munsif cum Judicial Magistrate, Tittakudi, passed in I.A. No.541 of 2015 in I.A. No.815 of 2007 in O.S. No.188 of 2006 on 08.12.2015.

2. Heard learned counsel for petitioner.

3.The petitioner is the defendant in O.S. No.188 of 2006. The respondent/plaintiff has made a claim on the basis of promissory note. Based

on the same, the petitioner was required to pay a sum of Rs.25,000/-. The petitioner failed to do so.

4.Subsequently, I.A. No.815 of 2007 in O.S. No.188 of 2006 has been filed by the petitioner/defendant seeking examination of the said promissory note. As such application was dismissed by the Court below, by way of I.A. No.541 of 2015 in I.A. No.815 of 2007 in O.S. No.188 of 2006, the petitioner/defendant has moved an application to condone the delay of 206 days in filing the petition under Order 9 Rule 9 Cr.P.C. in respect of restoration of I.A. No.815 of 2007. Such application stands dismissed.

5.In dismissing such application, the Court below has reasoned that claim of stomach pain and dysentery said to have been suffered by the petitioner/defendant is untenable. This Court finds no reason to interfere with the order under challenge.

6.The Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

13.06.2016

vga

To

The District Munsif cum
Judicial Magistrate, Tittakudi.

C.T.SELVAM, J.

vga

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