

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.1811 of 2016

G.Ramu

... Petitioner

Vs.

Jawadu Hill Teak Horticultural Farms Private Limited,
rep by its Director M.Shanmugam
Nos.10 & 11, Radha Krishna Nagar,
Arumbakkam, Chennai - 600 106.

... Respondent

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the order dated 08.03.2016 passed in I.A.No.8571 of 2015 in O.S.No.2876 of 2005 on the file of the XI Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.S.Arivazhagan

ORDER

Challenging the fair and final order passed in I.A.No.8571 of 2015 in O.S.No.2876 of 2005 on the file of the XI Assistant Judge, City Civil Court, Chennai, the defendant has filed the above Civil Revision Petition.

2.The respondent/plaintiff filed the suit in O.S.No.2876 of 2005 for permanent injunction.

3. Since the defendant failed to appear before the trial Court, the trial Court set him exparte and an exparte decree was passed on 22.11.2006. Thereafter, the defendant filed an application in I.A.No.8571 of 2015 to condone the delay of 3051 days in filing the petition to set aside the exparte decree. In the affidavit filed in support of the petition, in paragraph-2, the defendant has stated that the plaintiff approached him for an amicable settlement and therefore, he did not pursue the case and he came to know about the exparte decree passed in the suit only when he received the summon from the Execution Court. The averment stated in the affidavit filed in support of the petition was disputed by the respondent/ plaintiff. The trial Court, taking into consideration the case of both parties, dismissed the application finding that the defendant has not given sufficient reason for condoning the inordinate delay of 3051 days.

4. As already stated, except stating that the plaintiff approached the defendant for amicable settlement, the defendant has not stated any reason for the inordinate delay of 3051 days and that apart, no evidence was produced before the trial Court to establish the said contention. In the absence of sufficient cause shown by the defendant, 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 is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs.

Index : No
Internet : Yes
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21.06.2016

To

The XI Assistant Judge,
City Civil Court,
Chennai.

M.DURAIWAMY,J.
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