

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.3653 of 2012
and
M.P.No.1 of 2012

C.Balasubramaniam

... Petitioner

vs

Shanmugarani

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and final order dated 28.06.2012 pass in I.A.No.322 of 2011 in O.S.No.393 of 2008 and consequently dismiss the I.A.No.322 of 2011 in O.S.No.393 of 2008 on the file of Principal Subordinate Judge at Tiruppur.

For Petitioner : Mr.PL. Narayanan

For Respondent : Mr.Ishthaq Ahmed

ORDER

This revision arises against the order of learned Subordinate Judge, Tiruppur, passed in I.A.No.322 of 2011 in O.S.No.393 of 2008 on 28.06.2012.

2. Petitioner/defendant has filed I.A.No.322 of 2011 on the file of learned Subordinate Judge, Tiruppur, seeking condonation of delay of 506 days in filing petition under Order 9 Rule 13 Code of Civil Procedure to set aside the exparte decree passed on 24.07.2009. The Court below, under the impugned order, allowed such application. Hence, this revision.

3. Heard learned counsel for petitioner and learned counsel for respondent.

4. Learned counsel for petitioner submits that the respondent/ plaintiff has filed O.S.No.393 of 2008 on the file of learned Subordinate Judge, Tiruppur, seeking specific performance to execute the sale deed in favour of plaintiff in respect of the suit property by accepting the balance sale consideration of Rs.2,54,000/- from plaintiff. Learned counsel for petitioner submits that respondent/defendant by making false representation that service of notice was effected in concocted address had the delay of 506 days has been condoned and the delay ought not to have been condoned.

5. On a perusal of the order under challenge, this Court finds that the Court below, considering the circumstances, rightly has allowed the petition on

payment of cost and this Court finds no reason to interfere with the order under challenge.

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

23.08.2016

Index:yes/no
Internet:yes

vrc

To

The Principal Subordinate Judge,
Tiruppur.

C.T.SELVAM, J

vrc

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