



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2016

CORAM:

THE HONOURABLE Mr. JUSTICE K. KALYANASUNDARAM

C.R.P.NPD (MD) No. 1405 of 2016

and

C.M.P. (MD) No. 6863 of 2016

Pandian

... Petitioner

Vs.

Rajam (died)

1. Raman

2. Karthikeyan

... Respondents

Prayer: Civil Revision Petition is filed under Section 115 of CPC., to set aside the fair and decretal order in I.A.No.68 of 2010 in O.S.No.246 of 2004 on the file of the District Munsif Court, Aruppukottai dated 14.07.2010.

For Petitioner : Mr.S.Ramesh

ORDER

This Revision is directed against the order of the District Munsif, Aruppukottai made in I.A.No.68 of 2010 in O.S.No.246 of 2004.

2.The respondent instituted a suit against the petitioner for recovery of Rs.68,400/- based on a promissory note dated 25.12.2000. The suit was decreed ex parte by the District Munsif, Aruppukottai and the ex parte decree was transmitted to the District Munsif Court, Srivilliputtur and renumbered as E.P.No.22 of 2004. It is also seen from the records that the decree holder died and an application in E.A.No.72 of 2008 was filed by the legal heirs of the decree holder. In the said application, notice was served on the petitioner. However, he did not take part in the execution proceedings and therefore, he was set ex parte on 28.02.2008. While so, on 09.02.2010 an application in I.A.No.68 of 2010 was filed for condonation of delay of 2052 days in filing a petition to set aside the ex parte decree dated 08.04.2004.

3.Heard the learned counsel for the petitioner and perused the records.

4.The Trial Court having found that the petitioner had knowledge of the ex parte decree in the year 2008 and the delay was not properly explained by the petitioner and dismissed the



application in I.A.No.68 of 2010. I do not find any error in the order dated 14.07.2010 in I.A.No.68 of 2010 passed by the learned District Munsif Court, Aruppukottai. Hence, the Civil Revision petition is dismissed. No costs. Consequently, connected C.M.P.is closed.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

The District Munsif, Aruppukottai.

+1cc to Mr.V.Raghavachari, Advocate Sr.No.38600

+1cc to Mr.G.Marimuthu, Advocate Sr.No.37647

nbj

AA/PEK/01.08.2016/2p-4c

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