

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2017

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

CRP (PD) No.1568 of 2017
and CMP.No.7325 of 2017

Ramachandran

.. Petitioner

Vs

Revathi

.. Respondent

Prayer:- Civil Revision Petition filed under Section 227 of the Constitution of India, to set aside and revise the petition order dated 21.03.2017 made in I.A.No.315 of 2016 in O.S.No.16 of 2016 on the file of the District Munsif Court, Thirukalukundram.

For Petitioner : Mr.V.Premkumar

ORDER

The petitioner is the defendant in O.S.No.16 of 2016 on the file of the District Munsif Court, Thirukazhukundram. The respondent/plaintiff filed the said suit for declaration and for recovery of possession. An exparte order was passed against the petitioner on 27.04.2016. The petitioner filed I.A.No.315 of 2016, to set aside the said exparte order on the ground that he could not engage a lawyer at that time to contest his case, as he suffered from jaundice for three months and was in bed rest taking

treatment.

2. The application in I.A.No.315 of 2016 was taken on file by the trial Court. Notice was ordered to the respondent and counter was filed by the respondent. After notice to the respondent and counter being filed by the respondent, the application was adjourned to number of hearings for non-appearance. There was no representation for the petitioner either in person or through counsel on 14.02.2017, 21.02.2017 and 01.03.2017. Subsequently, the case was posted to 21.03.2017, and it was called at 10.30 a.m., 1.30 p.m. and 5.00 p.m., even then there was no representation for the petitioner either in person or through counsel. Therefore, the learned Judge dismissed the application in I.A.No.315 of 2016, as there was no representation for the petitioner. Challenging the order of dismissal dated 21.03.2017 passed in I.A.No.315 of 2016 in O.S.No.16 of 2016 on the file of District Munsif Court, Thirukazhukundram, the petitioner is before this Court in this Civil Revision Petition.

3. From the records, it is seen that an ex-parte order was passed against the petitioner on 27.04.2016. Thereafter, the petitioner filed an application in I.A.No.315 of 2016, to set aside the exparte order and the said application was adjourned to

number of hearings. There was no representation for the petitioner on the dates mentioned above. Even after giving ample opportunities to the petitioner, the petitioner was not diligent enough to prosecute the case, hence the learned Judge has dismissed the application. The petitioner has not even filed an application to restore the said application to file, which was dismissed for default.

4. Considering all these materials on records, this Court does not find any merits in the Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

26.04.2017

ds

To:

The District Munsif Court,
Thirukazhukundram.

V.M.VELUMANI,J

ds

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<http://www.judis.nic.in>