

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.08.2017

Coram

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD).No.2692 of 2017
and
CMP.No.12858 of 2017

Arumugam

...Petitioner

Vs.

Govindasamy

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, as against the order and decretal order in I.A.1201/2008 in O.S.24/2005 on the file of the Principal District Munsif, Ulundurpet, dated 07.04.2017.

For Petitioner : M/s.R.Poornima
For Respondent : No Appearance

ORDER

Civil Revision Petition has been filed by the petitioner against the order of condoning the delay of 1247 days in filing an application to set aside the *exparte* decree. Admittedly, by documentary evidence it is shown that the respondent was not served.

The summons were sent to the wrong address shown in the plaint and the factum of non service was proved by way of oral and documentary evidence. The respondent is now residing in some other village and there is no opportunity for him to receive summons and other processes sent to the previous address.

2. Considering all these facts the trial court has condoned the delay. However, the learned counsel for the petitioner would submit that the petitioner had knowledge of all the developments and was watching the proceeding sitting outside the fence. He has chosen to move the court, when the sale certificate was issued and came before this Court. The trial Court has not imposed any compensatory costs to the plaintiff. This Court is of the opinion that some compensation could have been awarded while condoning the delay of 1247 days. However, finding of the trial Court in condoning the delay cannot be interfered. It is open to the petitioner to approach the Court below.

3. Accordingly, the Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

04.08.2017

Index : yes/no
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To

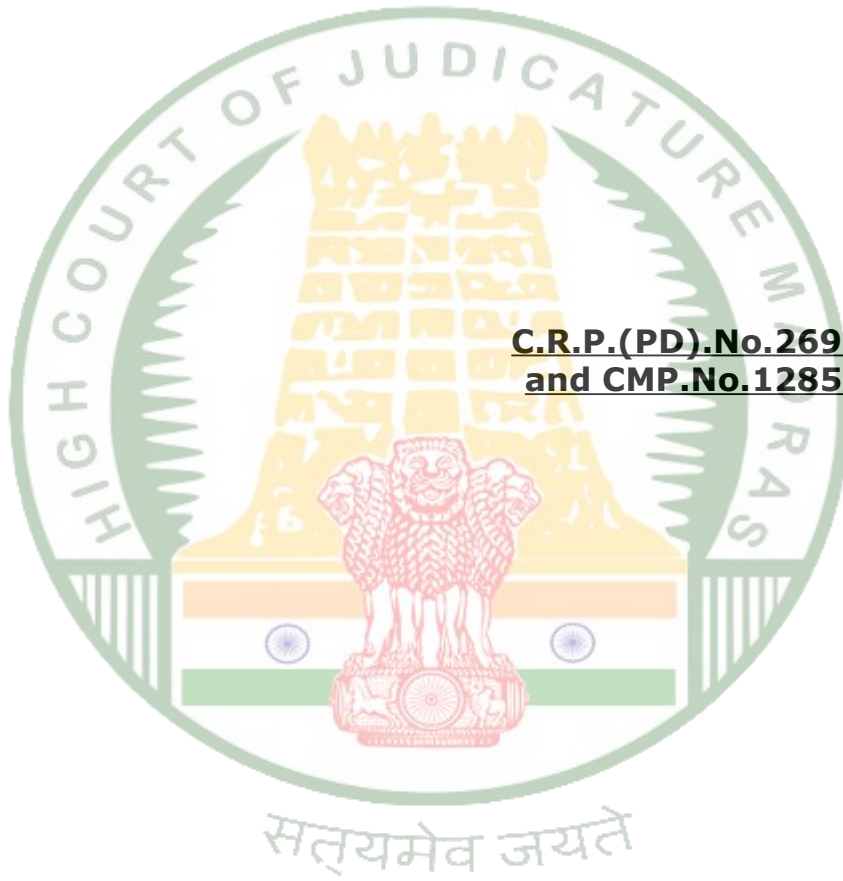
The Principal District Munsif,
Ulundurpet.



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M.GOVINDARAJ, J.

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