

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Civil Revision Petition (PD) No.360 to 362 of 2017
& CMP.Nos.1630 to 1632 of 2017

K.Sundarrajan
C.Arun Pandian

.... Petitioner in CRP No.360 of 2017
.... Petitioner in CRP No.361 of 2017

Ayngaran Film International Media
Private Limited,
No.147/11, III Floor,
Rajparis Trimeni Towers,
G.N.Chetty Road,
T.Nagar,
Chennai-600 017.

.... Petitioner in CRP No.362 of 2017

VS

1.S.Venmathi
2.S.Sanjay(minor)
3.S.Sandhya(minor)
4.Raju

... Respondents in all Crps.

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 06.09.2016 passed by the VI Additional City Civil Court at Chennai dismissing I.A.No.1367, 1368 & 1369 of 2016 respectively, in O.S.No.10827 of 2010 and to set aside the same.

For Petitioners(in all Crps.) : Mr.C.Selvakumar

ORDER

Civil Revision Petitions have been filed against the fair and decretal order dated 06.09.2016 passed by the VI Additional City Civil Court at Chennai dismissing I.A.No.1367, 1368 & 1369 of 2016 respectively, in O.S.No.10827 of 2010 and to set aside the same.

2.By a common order dated 06.09.2016, the applications in I.A.Nos.1367, 1368 & 1369 of 2016 filed by the defendants 4, 3 & 1 under Section 5 of the Limitation Act, to condone the delay of 601, 599 & 599 days respectively in filing the applications for setting aside the exparte decree passed on 26.02.2014 in O.S.No.10827 of 2010 have been dismissed.

3.The plaintiffs have laid a suit against the defendants for compensation.

4. It is found that at the stage of the execution proceedings, the petitioners have come out with the applications to set aside the exparte

decree passed against them. However, a delay of 601, 599 and 599 days had been occurred by then. Hence, they preferred the applications to condone the delay.

5.The reasons stated by the petitioners is that the person, who handled the above case has left the first defendant company and due to business pressure and political activity, they were unable to contact the counsel and give instruction to file set aside petitions.

6.The above reason given by the petitioners for condoning the delay is stoutly resisted by the respondents. It is contended that the petitions have been laid out by the petitioners only to delay the execution proceedings so as to deprive the plaintiffs from enjoying the fruits of the decree. The court below has found that the reasons stated by the petitioners for condoning the huge delay, do not constitute sufficient cause and also found that the reasons have not been substantiated by acceptable material. Accordingly, the court below has rejected the applications preferred by the petitioners. Considering the reasons given by the court below in the impugned order, I do not find any infirmity to warrant any interference with reference to the same.

T.RAVINDRAN, J

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7.Accordingly, the civil revision petitions are dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petitions are closed.

09.02.2017

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Index:yes/no
Internet:yes

To

The VI Additional City Civil Court at Chennai

Civil Revision Petition (PD) Nos.360 to 362 of 2017

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