

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP (NPD). No. 3910 of 2017
and CMP.No.18257 of 2017

G.V. Durgan @ G.V.Durganathan .. Petitioner

Vs

K.M.Velumani .. Respondent

PRAYER:

The Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the Order and Decreetal Order dated 27.07.2017 passed in R.E.A No. 11/2017 in E.P.No. 14/2013 in O.S.No.32 of 2013 on the file of III Additional District Court, Vellore, Tirupattur.

For Petitioner : Mr.R.Ramesh
For Respondent : Mr.J.Antony Jesus

ORDER

According to the petitioner, the petitioner filed an application before the trial court on 01.03.2016 to condone the delay in filing an application to set aside the ex-parte order passed

in OS.No.32 of 2013, which was assigned the number as 903 of 2016. The said papers were returned for rectification of defects. Thereafter, it was repeatedly re-presented and finally it was re-presented on 28.02.2017. From that date, the said application is pending and no notice has been ordered in the said application. While so, the court below has passed an Order in EP.No.14 of 2013 for delivery of possession and for police protection. Challenging the said order, the petitioner has filed the present Civil Revision Petition before this Court.

2. The learned counsel for the respondent on instruction would submit that notice has been ordered to the respondent in the application filed to condone the delay in filing the application to set aside the ex-parte order dated 22.12.2012 and the same was dismissed for default on 27.04.2017. Thereafter, the petitioner has also filed an application to restore the petition along with a petition to condone the delay, which is now at unnumbered stage. Therefore, the contention of the petitioner is factually incorrect. Therefore, this Court has to dismiss the Civil Revision Petition.

3. Considered, the submissions made by the parties concerned and perused the materials available on record.

4. According to the learned counsel for the respondent,

the petitioner has filed an application to condone the delay and the said application was dismissed for default. Subsequently, an application has been filed to restore the same along with a condone delay petition. The said petition is at unnumbered stage and the same is disputed by the petitioner. Hence, this Court is not inclined to entertain the Civil Revision Petition. At this stage, on the request of the petitioner, the interim order granted by this Court is in force for further one week period from the date of receipt of a copy of this Order, so as to enable the petitioner to file an appropriate application before the court below.

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

सत्यमेव जयते

24.11.2017

Speaking/Non-speaking order

Index :Yes/No

Internet :Yes/No

lok

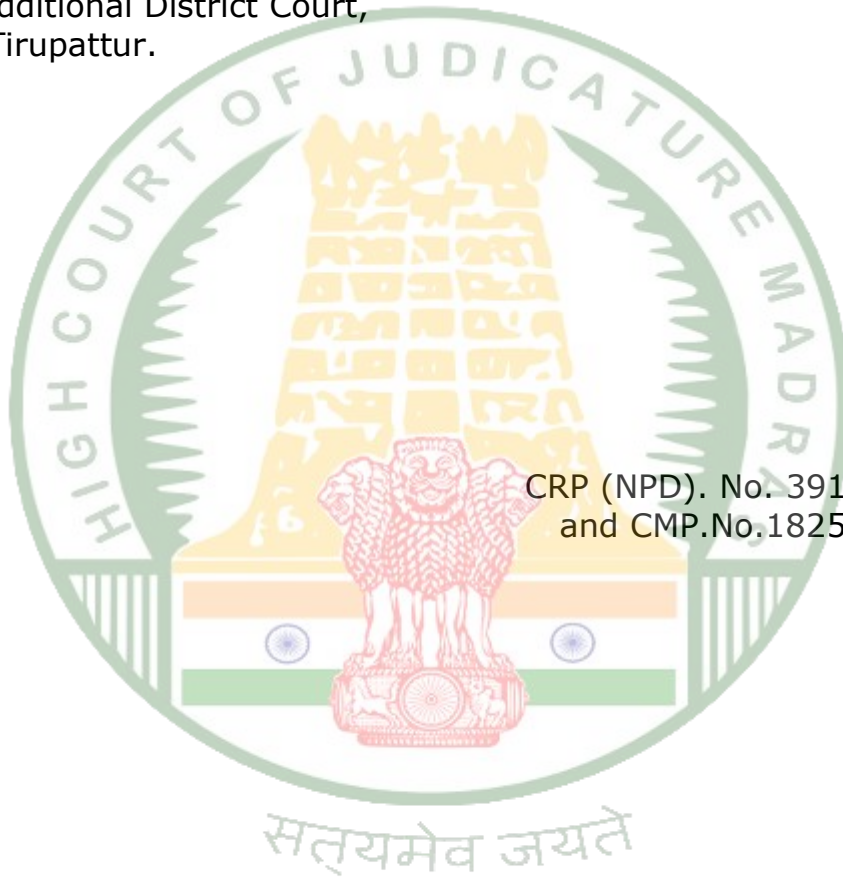
Note: Issue order copy on 30.11.2017

D.KRISHNAKUMAR.J,

lok

To

The III Additional District Court,
Vellore, Tirupattur.



CRP (NPD). No. 3910 of 2017
and CMP.No.18257 of 2017

WEB COPY

24.11.2017