

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Civil Revision Petition (PD) No.440 of 2017
& CMP.No.2133 of 2017

Kriyasakthi

... Petitioner

vs

Parthiban

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the impugned order dated 10.03.2016 passed in I.A.No.20 of 2016 in I.A.No.126 of 2015 in H.M.O.P.No.229 of 2016 on the file of the Principal Subordinate Judge, Cuddalore(previously H.M.O.P.No.18 of 2014, on the file of the Principal Subordinate Judge, Neyveli) and allow the same.

For Petitioner : Mr.R.Krishnan

For Respondent : No Appearance

ORDER

Civil Revision Petition has been filed to set aside the impugned order dated 10.03.2016 passed in I.A.No.20 of 2016 in I.A.No.126 of 2015 in

H.M.O.P.No.229 of 2016 on the file of the Principal Subordinate Judge, Cuddalore(previously H.M.O.P.No.18 of 2014, on the file of the Principal Subordinate Judge, Neyveli) and allow the same.

2.The petitioner has laid an application in I.A.No.126 of 2015 claiming the return of Sridhana articles and the same had been seriously contested by the respondent. It is found that the said application had been posted for enquiry. Despite the opportunities given to the petitioner, she had not evinced any interest in prosecuting her case and hence the above said petition was dismissed for default and in order to restore the same, an application has been laid by the petitioner, alleging that on account of burn injury sustained by her on her left leg, she was unable to be present in the court and prosecute her case. However, the same has been seriously controverted by the respondent.

3.The court below has rightly found that the reason given by the petitioner for not prosecuting her petition in I.A.No.126 of 2015 is not substantiated by any material whatsoever. Further, it is also found by the court below that sufficient opportunities had been given to the petitioner to prosecute I.A., but the petitioner has not evidenced any interest in proceeding further and hence the court below has dismissed the petition.

4. In the light of the above reasons, I do not find any infirmity in the impugned order of the court below. In the result, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.02.2017

dn

Index:yes/no

Internet:yes

To

The Principal Subordinate Judge,
Cuddalore

T.RAVINDRAN, J

dn

Civil Revision Petition (PD) No.440 of 2017

09.02.2017

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