

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 25TH DAY OF OCTOBER 2017

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A. No.5514 of 2017
in
C.S. No.146 of 2003

B.Ravinder Kumar
S/o.Late G.Rishabchand,
VII-1, C, Kences Enclave,
1, Ramakrishnan Street,
T.Nagar, Chennai - 600 017.

.. Plaintiff

VS

M/s.Saraswathi Screens
Represented by it's Proprietor Mr.S.Siva
No.60, Lake View Road,
West Mambalam, Chennai - 33.

.. Defendant

A. No.5514 of 2017

M/s.Saraswathi Screens
Represented by it's Proprietor Mr.S.Siva
No.60, Lake View Road,
West Mambalam, Chennai - 33.

.. Applicant / Defendant

VS

R.Ravinder Kumar
S/o.Late G.Rishabchand,
VII-1, C, Kances Enclave,
1, Ramakrishnan Street,
T.Nagar, Chennai - 600 017.

Currently Residing at
Rishab House,
30, Govindu Street,
T.Nagar, Chennai - 17.

.. Respondent / Plaintiff

Application praying that this Hon'ble Court be pleased to condone the delay of 4505 days in filing the set aside Application in C.S. No.146 of 2003.

This Application coming on this day before this court for hearing the court made the following order:

This application has been filed seeking for condonation of delay of 4505 days in filing the application to set aside the exparte decree dated 28.12.2004.

2.In the affidavit filed in support of this application, the applicant claimed that he has not received any suit summons in C.S.No.146 of 2003 and he came to know about the exparte decree only from the notice in the Execution Proceedings that was received by him on 10.02.2017.

3.The respondent has filed a counter affidavit contending that the suit summons were properly served.

4.I have verified the suit summons. It is found that the applicant has been served on 26.03.2003. The signatures in the process as well as the affidavit filed in support of this application tally. Therefore, it is obvious that the applicant has come out with a false case seeking condonation of delay. Therefore, the applicant is not entitled to any indulgence of this Court. The delay has also not been satisfactorily explained.

5.Hence, this application is dismissed.

Sd./- R.S.M.J.

25.10.2017

//Certified to be true copy//

Dated at Madras this the th day of 2017.

COURT OFFICER (O.S.)

TPY/10.11.2017

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