

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.4186 of 2012
& M.P.No.1 of 2012

Gowri

.. Petitioner

Vs.

V.Ravichandran

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 05.07.2012 in I.A.No.338 of 2011 in O.S.No.1218 of 2004 on the file of the Additional District Munsif Court, Namakkal.

For Petitioner : Mr.S.Kalyanaraman
For Respondent : No Appearance

सत्यमेव जयते

ORDER

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This Civil Revision Petition has been filed against the fair and decreetal order, dated 05.07.2012 in I.A.No.338 of 2011 in O.S.No.1218 of 2004 on the file of the Additional District Munsif Court, Namakkal.

2. The petitioner is the first defendant and the respondent is the plaintiff in the suit in O.S.No.1218 of 2004. The respondent filed the said suit for permanent injunction restraining the petitioner and second defendant from interfering his peaceful possession and enjoyment of the suit property. The petitioner filed written statement on 08.01.2013. When the suit was posted in the list for final hearing, the petitioner did not appear and he was set ex-parte and ex-parte decree was passed on 12.10.2009. The petitioner filed I.A.No.338 of 2011 to condone the delay of 449 days in filing the application to set aside the said the ex-parte decree.

3. According to the petitioner, communication sent by her advocate did not reach her, hence she could not attend the hearing. The respondent in the counter stated that the petitioner has not furnished any details, when she came to know about the ex-parte decree and submitted that the reason given by the petitioner for condone the delay is not valid and she has not substantiated the same.

4. The learned Judge considering the averments in the

affidavit, counter affidavit and materials on record, dismissed the said condone delay application holding that the petitioner has not given any valid reason for condoning the delay. Against the said order dated 05.07.2012 in I.A.No.338 of 2011, the present Civil Revision Petition is filed.

5. Heard the learned counsel for the petitioner and perused the materials available on record. There is no representation for the respondent.

6. The petitioner has not stated when and from where she came to know about the ex-parte decree and whether she took immediate steps to file application to condone the delay in filing an application to set aside the ex-parte decree. The petitioner has not substantiated her claim that the communication sent by her advocate did not reach her. The reason given by her is not acceptable and valid.

7. The learned Judge, considering all the above facts and considering the materials available on record, dismissed the application by giving cogent and valid reasons. In these

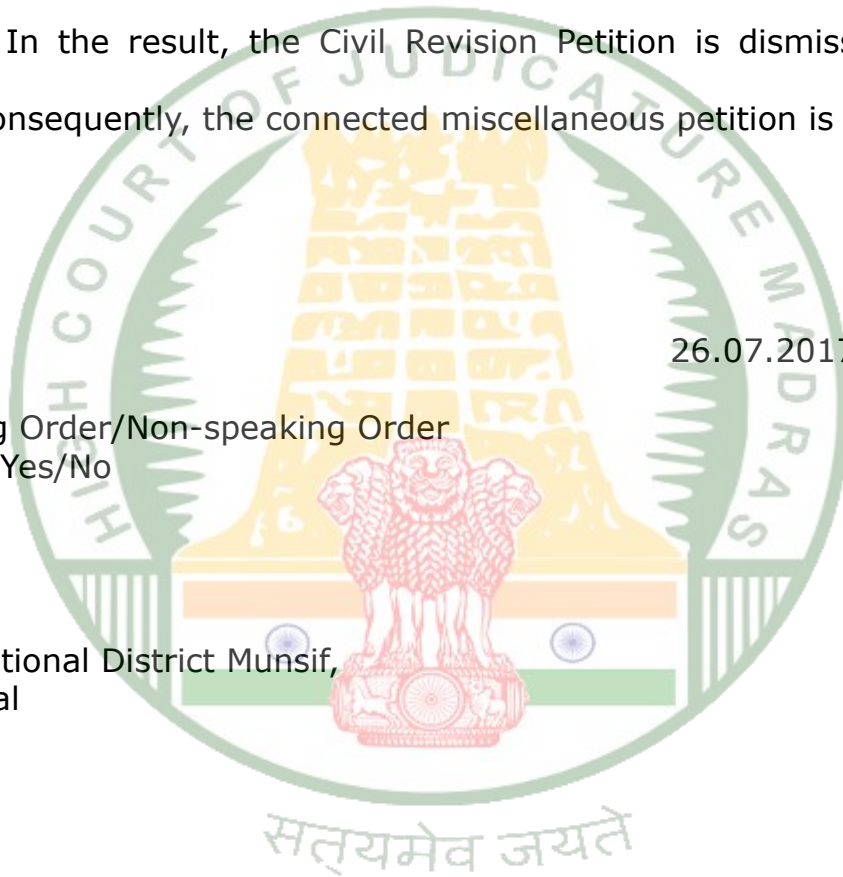
circumstances, there is no illegality or irregularity warranting interference by this Court in the order of the learned trial Judge, dated 05.07.2012.

8. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

26.07.2017

Speaking Order/Non-speaking Order
Index :Yes/No
pvs

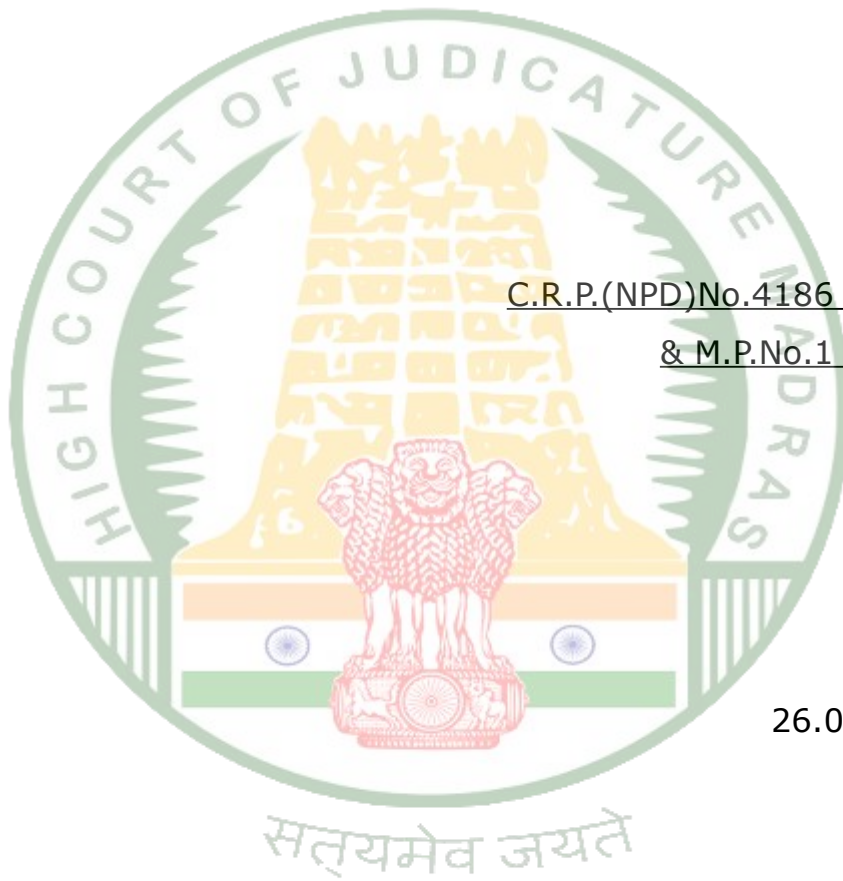
To
The Additional District Munsif,
Namakkal



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V.M.VELUMANI, J.

pvs



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