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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2017

CORAM :

THE HONOURABLE MR. JUSTICE DR. G. JAYACHANDRAN

C.M.P (MD) No.1733 of 2017

in

C.R.P. (MD) .No.SR3272 of 2017

and

C.R.P. (MD) .No.SR3272 of 2017

V. Irulappan

... Petitioner

Vs.

Petchiammal

... Respondent

Prayer in C.M.P: Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act, praying to condone the delay of 321 days in preparing this Revision Petition in I.A.No.42 of 2015 in O.S.No.188 of 2009.

Prayer in C.R.P(SR): Civil Revision Petition is filed under Section 115 of Civil Procedure Code, praying to set aside the Fair Order and Decreetal Order in I.A.No.42 of 2015 in O.S.No.188 of 2009, dated 16.10.2015 on the file of the District Munsif Court cum Judicial Magistrate, Vadipatti.

For Petitioner

: No Appearance

For Respondent

: Mr. P.T.S. Narendravasan

ORDER

This Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act, praying to condone the delay of 321 days in preparing this Revision Petition in I.A.No.42 of 2015 in O.S.No.188 of 2009.

2. There is no representation for the petitioner.

3. This petition is filed to condone the delay of 321 days in filing the Revision Petition challenging the dismissal order passed in I.A.No.42 of 2015, which was filed to condone the delay of 1422 days, in filing the application for setting aside the ex-parte order passed in the original suit in O.S.No.188 of 2009.



07.12.2010, sought to be set aside on the ground that the ex-parte decree has been granted behind the back of the Revision petitioner. In the said endeavour, the application filed to set aside the ex-parte order suffers delay of 1422 days.

5. The Trial Court, after considering the rival contention, has dismissed the application filed under Section 5 of the Limitation Act on the ground that there is no sufficient reason shown in the application to condone delay. Further, the Trial Court has found that there is suppression of fact by the Revision petitioner. Aggrieved by the said dismissal order, the Civil Revision Petition is filed before this Court.

6. Even in this application to condone delay of 321 days in filing revision petition, there is no reasonable cause put-forth by the petitioner explaining the delay to entertain this petition. Except pleading that after dismissal of the application filed under Section 5 of the Limitation Act on 16.10.2010, the petitioner approached his counsel on 05.11.2015 and thereafter, he applied for copy application and got the order copy on 28.12.2015. Thereafter, the present Revision Petition is filed only on 24.01.2017.

7. In view of the above facts, there is no acceptable reason for delay in filing the Revision Petition except stating that due to poverty situation and family members ill-health, the delay has been occurred. Since the reason to condone delay is very vague, this Court finds no merits in this application. Hence, this petition is dismissed. Consequently, the Civil Revision Petition is rejected at the SR stage itself. No costs.

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub-Assistant Registrar

To

The District Munsif cum Judicial Magistrate,
Vadipatti.

+One cc to Mr.PT.S.Narendravasan, Advocate, SR.No.19821

Sss/ia

RL/3C/2P/MR/SAR2/26.4.2017

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