



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2017

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(NPD) (MD)No.1881 of 2017

A.Ravichandiran

... Petitioner/1st Defendant

vs.

VP.Raju Thevar

... Respondent/Plaintiff.

Petition filed under Section 115 of the Civil Procedure Code, against the order dated 10.07.2017 passed in I.A.No.649 of 2016 in I.A.No.425 of 2015 in I.A.No.71 of 2014 in O.S.No.575 of 2009 by the learned II Additional Sub Judge, Madurai.

For Petitioner

: Mr.R.Janakiramulu

ORDER

This revision petition has been filed against the order dated 10.07.2017 passed in I.A.No.649 of 2016 in I.A.No.424 of 2015 in I.A.No.71 of 2014 in O.S.No.575 of 2009 by the learned II Additional Sub Judge, Madurai.

2.The case of the revision petitioner/1st defendant is that he filed an application to set aside the ex parte decree dated 17.04.2012 passed in O.S.No.575 of 2009 by the learned II Additional Sub Judge, Madurai, along with the condone delay petition in I.A.No.71/14 and the said I.A was dismissed for non prosecution and therefore, the revision petitioner filed a petition to restore I.A.No.71/14 along with the condone delay petition in I.A.No.425/15 to condone the delay of 55 days. In the said petition, the revision petitioner was examined on 21.10.2016 and for cross-examination, the case was posted on various dates. Ultimately, I.A.No.425/15 was also dismissed for non prosecution. To restore I.A.No.425/15, the revision petitioner filed the present interlocutory application in I.A.No.649/16 and that was dismissed by the order impugned in this revision petition.

3.Learned counsel for the petitioner would submit that when I.A.No.425/15 was posted for the petitioner's defence on 15.12.2016, due to puncture in the Car tyre, the petitioner was not able to attend the Court and therefore, the said application



4. Counsel for the respondent would submit that the present petitioner filed a counter in I.A.No.429/15 and the dismissal of the I.A is a well considered order.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. On perusal of the documents, it is seen that the petitioner has been given nearly 17 adjournments in I.A.No.71/14 which was filed to set aside the ex parte decree passed in O.S.No.575/09 and he was also given ample opportunities in I.A.No.429/15 and in I.A.No.429/15, five adjournments have been given and the petitioner has filed the present application stating that due to repair in his car, he was not able to appear. In my considered opinion, the attitude of the revision petitioner in filing the above application is only an abuse of process of law and the order of the learned Judge does not warrant any interference from this Court.

Accordingly, this Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The II Additional Subordinate Judge,
Madurai.

+1CC to Mr.R.Janakiramulu, Advocate, SR.No. 89781

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AM/SV MMS/SAR 4/20.12.2017/2P/3C