



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2017

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P.(MD).No.879 of 2017

Rajamani ... Petitioner/Petitioner/1st Defendant

Vs.

1.The Canara Bank,
Through its Branch Manager,
Chithambaranagar Branch,
Tuticorin ... Respondent/Respondent/Plaintiff

2.Durairaj ... Respondent/Respondent/2nd Defendant

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India, seeking direction to the lower Court of Sub-Court, Tuticorin for expeditors disposal of I.A.No.902 of 2016 in O.s.No.193 of 2003.

For Petitioner : Mr.R.Murugappan

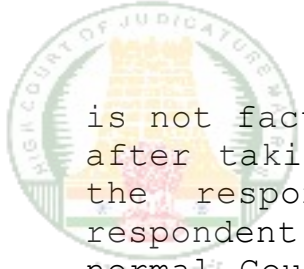
ORDER

This Civil Revision Petition has been filed under Article 227 Constitution of India alleging that the Trial Court has not exercised jurisdiction in disposing of the Section 5 application filed by the revision petitioner.

2. On a perusal of the records it indicates that the suit is of year 2003, and the same was decreed on 03.08.2010 ex-parte. To set aside the said ex-parte decree, there is enormous delay. So, the revision petitioner has taken out an application under Section 5 of the Limitation Act to condone the delay of 2162 days. The said application has been filed on 04.08.2016, after sleeping over the matter more than six years. The said application I.A.No.902 of 2016 to condone the delay in filing the petition to set aside the ex-parte decree is pending before Trial Court for adjudication while so, this application is filed to dispose of I.A.No.902/2016 within the stipulated time to be fixed by the Hon'ble Court.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The revision petitioner's case is that the Lower Court has not taken up his matter with due alacrity as it is expected which



is not factually correct. The Diary extract clearly indicates that after taking the application on file, notice has been ordered to the respondents and thus after filing the counter by the respondent it is posted for enquiry. The case is proceeding in the normal Course and there is no undue or extraordinary delay could be seen in the progress of the case in dealing the matter, hence, the Civil Revision Petition is dismissed as devoid of merit. No Costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
The Subordinate Judge, Tuticorin.

SM/CP
CSL/BS/SAR-IV/10.05.2017 : 2P/2C

C.R.P (MD) No.879 of 2017
20.04.2017