

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.06.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.M.P.No.9414 of 2018 in
CRP.No.SR68786 of 2017

1. M.Sundaresan
2. M.Sudhakar
3. Geetha

... Petitioners

Vs.

Lakshmi

... Respondent

Prayer in C.M.P.No.7111 of 2018: Civil Miscellaneous Petition is filed under Section 15 of Limitation Act seeking to condone the delay of 124 days in filing the above Revision Petition CRP SR No.68786 of 2017.

Prayer in CRP.No.SR68786 of 2017: Civil Revision Petition sought to be filed under Article 227 of the Constitution of India against the fair and decreetal order passed by District Judge, Dharmapuri, dated 07.12.2016 dismissing the petition in I.A.No.151 of 2016 filed by the petitioner under Section 5 of Limitation Act to condone the delay of 613 days in filing the petition to set aside the exparte decree dated 17.11.2014 passed in O.S.No.43 of 2013.

For Petitioners : Mr.D.Baskar

ORDER

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The civil miscellaneous petition has been filed seeking to condone the delay of 124 days in filing the above civil revision petition.

2 The learned counsel for the petitioners would submit that the respondent herein filed a suit for specific performance and on 17.11.2014 an exparte decree was passed. The petitioners filed I.A.No.151 of 2016 to condone the delay of 613 days in filing the application to set aside the exparte decree. On 07.12.2016, the trial Court dismissed the application and on 20.12.2016, the petitioners made copy application and it was made ready and delivered on 10.02.2017. In the mean time, the respondent herein filed an execution petition and the same was also allowed on 27.03.2017. But the petitioners came to know the same only in September 2017 and they could not mobilize fund for filing revisions against the order in I.A.No.151 of 2016 and also order in EP proceedings. Hence the petitioners have come forward with the present miscellaneous petition seeking to condone the delay of 124 days in filing the above revision petition.

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

3 On reading the affidavit filed in support of this miscellaneous petition, it is clear that the petitioners have not explained the day to day delay in filing the civil revision petition. The petitioners ought to have

explained the details as to how and why the delay of 124 days has occurred in filing the revision.

4 In view of the above reasons, the Court is not inclined to allow the miscellaneous petition, which was filed seeking to condone the delay of 124 days in filing the civil revision petition. Accordingly the civil miscellaneous petition is dismissed.

5 In view of the order passed in the present civil miscellaneous petition No.9414 of 2018, the civil revision petition No.SR68786 of 2017 is hereby rejected at the SR stage itself. Nos costs.

05.06.2018

Index: Yes/No

Internet: Yes/No

Speaking Order/Non Speaking Order
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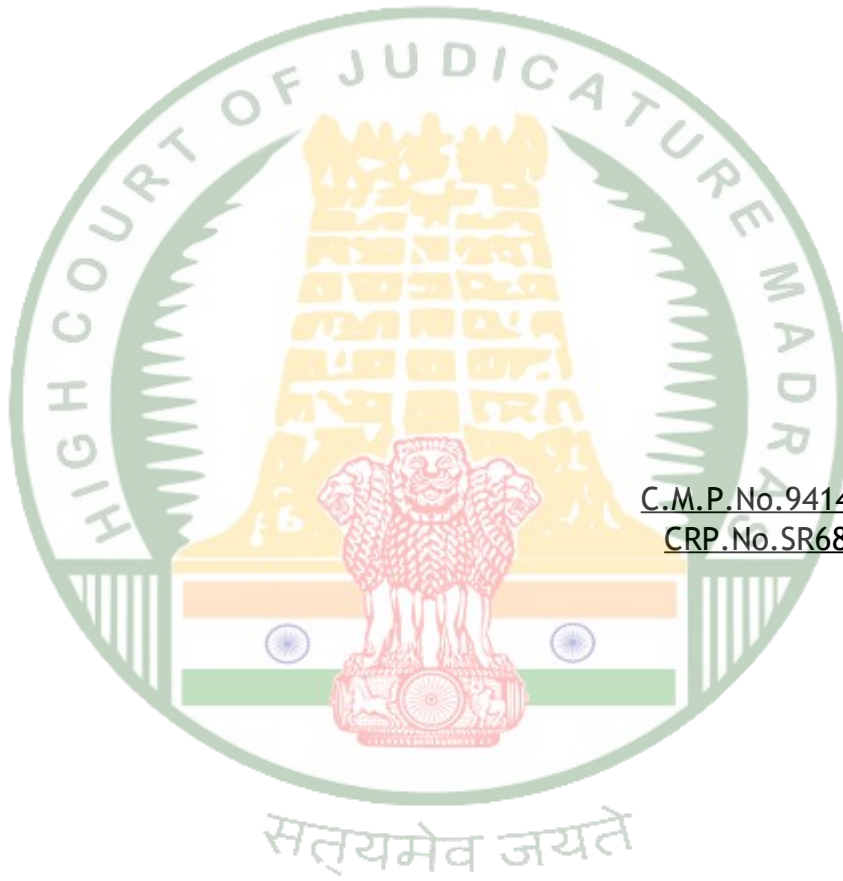
To

The District Judge, Dharmapuri,

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P.VELMURUGAN, J.,

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