

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

C.R.P. (NPD) No.409 of 2018

and

C.M.P No. 2211 of 2018

1. G. Seenuvasan
2. C. Soundararajan

.. Petitioners

Vs.

1. M/s. Dhanalakshmi Srinivasan
Chits Funds (P) Ltd.,
Thiruveerattam Thirumaligai
No.55, Indhira Gandhi Salai
Panruti, Cuddalore District.

2. C. Kanapathi

.. Respondents

PRAYER : Civil Revision Petition filed under Section 151 of Code of Civil Procedure, to set aside the order dated 25.10.2017 passed in E.A. SR.No. 5367 of 2017 in E.P. No. 43 of 2013 on the file of learned Sub Judge, Panruti, Cuddalore District.

For Petitioners : Mr. R. Chakkaravarthy

ORDER

The revision petitioners have filed the application in E.A. SR.No. 5367 of 2017 in E.P. No. 43 of 2013 before the learned Sub Judge, Panruti, Cuddalore District, to condone the delay of 10 days in filing the application to set aside the ex-parte decree dated 30.08.2017. The said application to condone the delay was returned on 25.10.2017. Against the said return, the present revision petition is filed before this Court.

2. According to the petitioners, the court below has returned the application stating that the Application to condone the delay filed under Order 21 Rule 106 of CPC, itself is not maintainable.

3. It is found that without re-submitting the application before the court below with proper explanation, the petitioners have approached this Court by way of revision. At this stage, this Court is not inclined to entertain the revision petition.

4. Hence, the same is liable to be dismissed. However, liberty

is granted to the petitioners to re-present the papers, with proper explanation for the returns pointed out by the court below. On such re-presentation, if it is in order and satisfactory, the court below shall proceed in accordance with law.

5. The Civil Revision Petition is dismissed, with the above direction. Consequently, the connected Miscellaneous Petition is closed.
No costs.

Index : Yes/ No

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To

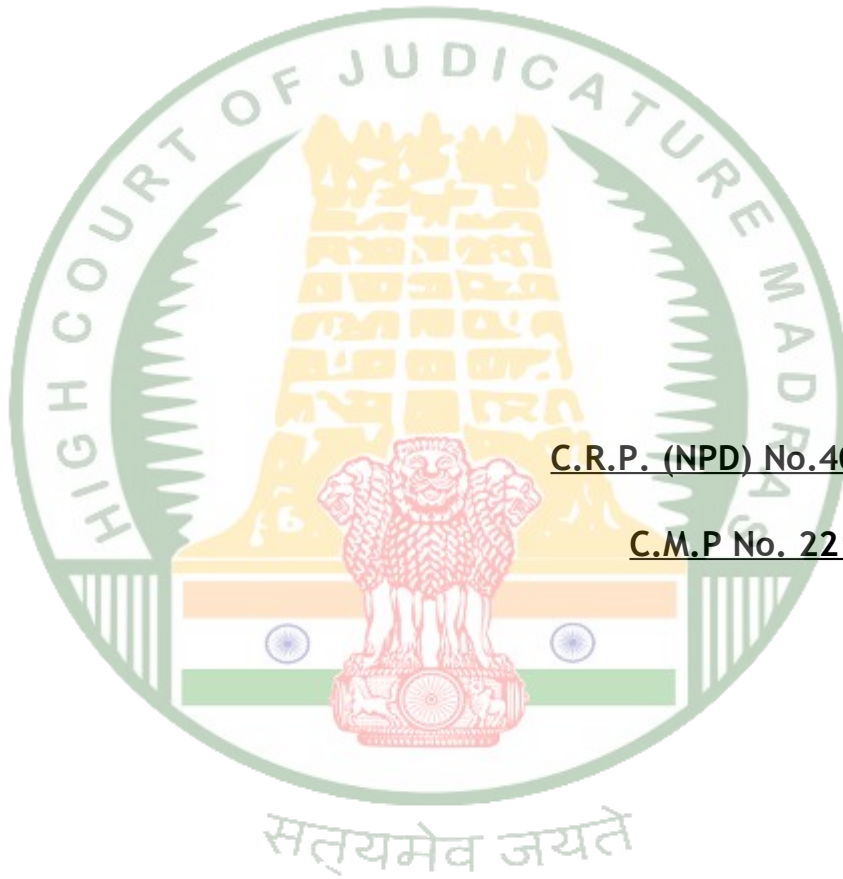
The Sub Court
Panruti
Cuddalore District.

06.02.2018

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D. KRISHNAKUMAR J.,

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