

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P.(NPD) No.50 of 2010

& M.P.No.1 of 2010

Sridhar ... Petitioner

Vs.

Mangai @ Mangaiyarkarasai ... Respondent

Prayer: Civil Revision Petition filed under Section 227 of the Constitution of India, to set aside the fair order and decretal order passed in I.A.No.2089 of 2008 in O.S.No.256 of 2004 dated 29.10.2009 on the file of the Additional District Munsif of Cuddalore.

For Petitioner : Mr.R.Gururaj

For Respondent : No Appearance

ORDER

The instant Civil Revision Petition has been filed by the petitioner, who was the plaintiff in the suit. The suit was filed for recovering money. The respondent was set ex-parte and an ex-parte decree came to be passed by the trial Court on 26.06.2006. Thereafter, the respondent filed an application to condone the delay of 791 days, in filing an application to set aside the ex-parte decree. The petitioner had also filed his counter affidavit before the trial Court.

2. The reason given for condonation of delay by the respondent was that, she was suffering from zaundice and that she has been taking native treatment and therefore, she could not contact the counsel during that period. In view of her sickness, a delay of 791 days arose in filing the application to set aside the ex-parte decree.

3. The trial Court was satisfied with the reasons given by the respondent for condonation of delay and after referring to the decision of this Court, reported in **(2009) 4 CTC 722** allowed the condone delay application on condition that, the respondent pays a sum of Rs.1000/- as cost for allowing the condone delay application.

4. Against the said order, the present Revision Petition has been filed by the plaintiff. This Court does not find any infirmity in the order passed by the trial Court. By now, if the suit was allowed to be contested by the petitioner, the suit itself would have got disposed of.

5. In view of the filing of the Civil Revision Petition, there is further delay in the disposal of the suit. No useful purpose would be served if the Civil Revision Petition is entertained at this stage. Instead of

entertaining the Civil Revision Petition, it is better to direct the trial Court to dispose of the suit within a time frame fixed by this Court. This Court finds no reason for interfering with the order of the trial court.

6. Accordingly, the instant **Civil Revision Petition shall stand dismissed**, with a direction to the trial court to dispose of the suit on receipt of the written statement, within a period of three months from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected M.P.No.1 of 2010 is closed.

04.04.2018

Speaking Order/ Non Speaking Order
Index : Yes / No
Internet : Yes / No

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ABDUL QUDDHOSE, J.,

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Order in
C.R.P.(NPD) No.50 of 2010

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