



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.10.2018**

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (NPD) (MD) .Nos.278 and 279 of 2018

and

C.M.P. (MD) .No.1236 of 2018

C.R.P. (NPD) (MD) No.278 of 2018

Soda Pandi

... Revision Petitioner

Vs

Ramuthai

... Respondent

PRAYER: Petition filed under Section 115 of Civil Procedure Code to allow this Memorandum of Civil Revision Petition and thereby set aside fair and decreetal order dated 22.11.2017 in I.A.No.313 of 2017 in O.S.No.201 of 2011 made on the file of the District Munsif Court, Theni.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondent : Mr.R.Suriya narayanan

C.R.P. (NPD) (MD) No. 279 of 2018

Soda Pandi

... Revision Petitioner

Vs

1.Ramuthai
2.Uthaya Suriyan
3.Mokka Mayan
4.Nagalakshmi

... Respondents

PRAYER: Petition filed under Section 115 of Civil Procedure Code to allow this Memorandum of Civil Revision Petition and thereby set aside fair and decreetal order dated 22.11.2017 in E.A.No.69 of 2017 in E.P.No.35 of 2015 in O.S.No.201 of 2011 made on the file of the District Munsif Court, Theni.

For Petitioners : Mr.B.Rajesh Saravanan

For Respondent : Mr.R.Suriya narayanan

**COMMON ORDER**

The fourth defendant in O.S.No.201 of 2011 on the file of the District Munsif Court, Theni, is the revision petitioner herein. It was a suit for declaration and recovery of possession. The revision petitioner remained ex parte. An ex parte decree came to be passed. To set aside the same, the revision petitioner filed a petition under Order 9 Rule 13 of CPC. But there is a delay of 1075 days in filing the said set aside petition. To condone the delay I.A.No.313 of 2017 was filed. The Court below by order dated 22.11.2017 dismissed the said I.A. Questioning the same C.R.P(MD).No.278 of 2018 has been filed.

2.Since the plaintiff / decree holder filed an E.P., and the revision petitioner remained ex parte in the said E.P., also, he took out an E.A., for setting aside the order whereby he was set ex parte in the E.P. The said E.A., was dismissed. Questioning the same, C.R.P.(MD).No.279 of 2018 has been filed.

3.Heard learned counsel on either side.

4.It is seen that the delay occasioned in filing the application is inordinate. The delay is more than 1000 days. If the revision petitioner has made out sufficient cause for condoning the same, this Court can definitely show some indulgence. In this case, no such explanation has been given. The Court below has given a categorical finding that the delay was not explained properly. The discretion of the Court below was not exercised in favour of the revision petitioner. No case has been made out to interfere with the orders impugned in these Civil Revision Petitions.

5.Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (P & A)

// True Copy //

Sub Assistant Registrar(CS-IV)

To

The District Munsif,
Theni.



COPY TO

WEB COPY

The Section Officer, V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+2 CC To MR.R.SURIYANARAYANAN, Advocate SR. NO.88607

+1 CC To MR.B.RAJESH SARAVANAN, Advocate SR. NO. 88737

ORDER MADE IN
C.R.P. (NPD) (MD) .Nos.278 and 279 of 2018
and
C.M.P. (MD) .No.1236 of 2018
04.10.2018

PNN

TR/PM/SAR-IV(08.11.2018) 3P 7C