



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANC.R.P. (MD) (PD) No.1779 of 2017andC.M.P. (MD) No.9523 of 2017

Ramalingam (Died)

1.R.Mookkammal

2.R.Manimegalai

3.R.Sanguppandi

4.R.Pandidurai

5.R.Rajalakshmi

6.R.Senthamarai

... Petitioners

/Vs./

Solaimalai (died)

Guruvammal (died)

1.Dhanalakshmi

2.Anbalakan

3.Thillai Natarajan

4.Selvi Karuthasami

5.Selvaranimookan

6.Senthamarai

7.Malarvizhi

... Respondents

Prayer: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to set aside the order passed in I.A.No.285 of 2014 dated 26.04.2017 in O.S.No.445 of 2004 on the file of the District Munsif Court, Madurai Taluk, Madurai.

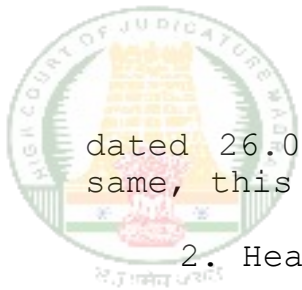
For Petitioner : Mr.K.Samidurai

For R-1,3,4,6 & 7 : Mr.R.Krishnan

For R-2&5 : No appearance

ORDER

O.S.No.1345 of 1998 on the file of the District Munsif Court, Madurai Town was instituted by the respondents herein seeking the relief of declaration and mandatory injunction. The suit was renumbered as O.S.No.445 of 2004. One Ramalingam was shown as the first defendant, while Madurai Corporation was shown as the second defendant. The said Ramalingam had entered appearance through his counsel and filed his written statement. But then, he did not contest the proceedings therein. Hence, an exparte decree came to be passed on 07.03.2007. To execute the same, E.P.No.5 of 2013 was also filed. Thereafter, the said Ramalingam woke up and filed I.A.No.285 of 2014 for condoning the delay in filing the set aside petition. The delay was 2529 days. The said Ramalingam passed away and his legal heirs came on record. The Court below by order



dated 26.04.2017 dismissed I.A.No.285 of 2014. Questioning the same, this civil revision petition has been filed.

2. Heard the learned counsel on either side.

3. This Court is of the view that the delay that has occasioned in this case is inordinate. The first defendant was served with suit summons and he also engaged a counsel and filed his written statement. But, he chose remained exparte thereafter. Absolutely, no reason has been set out in the affidavit filed in support of the delay condoned petition. The Court below rightly held that sufficient cause was not made out. Therefore, there is no reason to interfere with the order passed by the Court below. There is no merit in this civil revision petition. Accordingly, this civil revision petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Joint Registrar (Judl.)

// True Copy //

Sub Assistant Registrar(CS-I)

To

The District Munsif,
Madurai Taluk,
Madurai.

+1 CC To MR.R.KRISHNAN, Advocate SR. NO.90058
+1 CC To MR.K.SAMIDURAI, Advocate SR. NO. 89543

Order made in
C.R.P. (MD) (PD) No.1779 of 2017
09.10.2018

SM

TR/SV/SAR-I(12.11.2018)2P 4C