



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (PD) (MD) No.1629 of 2016 (PD)
and
CMP (MD) No.7937 of 2016

V.Ganesan ... Petitioner/Petitioner/Defendant

Vs.

1.V.Seethalakshmi

2.R.Krishnaveni

3.V.Lalitha ... Respondents/Respondents/Plaintiffs

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the order and fair order dated 14.03.2016 passed in I.A No.6 of 2016 in O.S No.17 of 2010 on the file of the 1st Additional District Judge, Thanjavur and set aside the same as illegal.

For Petitioner : No appearance
For Respondents : Mr.M.V.Venkataseshan

ORDER

The defendant in O.S No.17 of 2010 on the file of the I Additional District Judge, Thanjavur is the revision petitioner herein. It is a suit for partition filed by the respondents herein. The parties are brothers and sisters. By a preliminary decree dated 24.06.2014 which was passed on an exparte basis, 3/4th share was allowed to the respondents while 1/4th share was allowed to the petitioner herein. Since it was an exparte preliminary decree, the revision petitioner had filed an application for setting aside the same. But, there was a delay of 510 days. To condone the same, he filed I.A No.6 of 2016. The said application was dismissed by order dated 14.03.2016. Questioning the same, this civil revision petition has been filed.

2.When the matter was taken up for hearing, there is no representation on the side of the revision petitioner. The learned counsel for the respondents submits that after the preliminary decree was passed, the respondents herein filed an application for passing of final decree and that the same was also allowed. Questioning the same, this revision petitioner has filed a First Appeal before this Court. It is still pending.



3.It is seen that 1/4th share was allowed to the revision petitioner. Hence, I find no merit in this civil revision petition. The revision petitioner has not given any convincing reasons for condoning the delay occasioned in filing the set aside petition. The court below has given specific finding that sufficient cause has not been made out. The order impugned in this civil revision petition is sustained.

4.This civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-III)

skm

To

The 1st Additional District Judge,
Thanjavur.

Copy to

The Record Keeper, (2 copies)
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.V.Venkateshan, Advocate in SR No.82452

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NM/RSK/SAR III/22.10.18/2P/5C