



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.PD[MD]No.360 of 2016

and

C.M.P.[MD]No.1551 of 2016

W.Hilda Smiling Pushpalatha

: Petitioner

Vs.

M/s.Tamilnad Mercantile Bank Ltd.,
Door No.794, Main Road,
Kovilpatti - 628 501.
Thoothukudi District.
Rep. by the Branch Manager.

: Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records in C.M.A.No.4 of 2013 dated 10.03.2015, on the file of Hon'ble Sub-Court, Kovilpatti, Thoothukudi District confirming the order in I.A.No.1033 of 2011 in O.S.No.305 of 2009 on the file of Hon'ble District Munsif, Kovilpatti, Thoothukudi District dated 13.12.2012 and set aside the same by allowing this Civil Revision Petition.

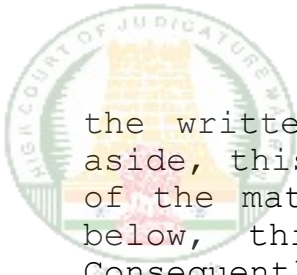
For Petitioner : Mr.F.Deepak

For Respondent : Mr.B.Rajesh Saravanan

ORDER

The revision petitioner is the second defendant in O.S.No.305 of 2009, on the file of the District Munsif Court, Kovilpatti. It is a suit for recovery of money filed by the respondent Bank. One Baskar had availed loan from the bank. The revision petitioner appears to have guaranteed the said transaction. Since, the Principal borrower committed default, the recovery suit came to be laid. The defendant received suit summons. They remained ex-parte. Therefore, an ex-parte decree came to be passed. The set aside application under Order IX Rule 13 was filed. There was a delay in filing the said application. The condone delay petition was also dismissed. Since, the cost amount was not paid, I.A.No.1030 of 2011, suffered a dismissal. Questioning the same, C.M.A.No.4 of 2013 was filed by the revision petitioner herein. C.M.A. was also dismissed. Challenging the said order, this Civil Revision Petition has been filed.

2.This Court would show indulgence in such matters. But then, it is seen that the revision petitioner absolutely has no defence. The respondent is a Bank. The availing of the loan facility is not in dispute. That the revision petitioner guaranteed is evident from



the written documents. Therefore, if the impugned orders are set aside, this Court will only be reviving a stale issue. In this view of the matter, sustaining the impugned orders passed by the Court below, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1.The Subordinate Judge,
Kovilpatti,
Thoothukudi District.

2.The District Munsif,
Kovilpatti,
Thoothukudi District.

+1CC to Mr.F.Deepak, Advocate, SR.No.80469

+1CC to Mr.B.Rajesh Saravanan, Advocate, SR.No.80648

ORDER MADE IN
C.R.P.PD[MD]No.360 of 2016
28.08.2018

MR

ES/SKN/RSK/SAR 2/09.10.2018/2P/5C