



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P. (NPD) (MD) No.38 of 2016

Kandasamy

.. Petitioner/Defendant/Petitioner

/Vs./

Saraswathi

.. Respondent/Plaintiff/Respondent

PRAYER: This Civil Revision Petition is filed under Section 115 of C.P.C to set aside the order and decreetal order dated 04.07.2014 made in I.A.No.275 of 2013 in O.S.No.296 of 2008 on the file of the District Munsif Court, Oddanchathiram.

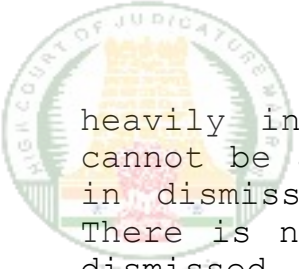
For Petitioner : Mr.S.R.Sureshkumar

For Respondent : No appearance

O R D E R

The respondent herein filed O.S.No.296 of 2008 on the file of the District Munsif Court, Oddanchathiram, seeking the relief of declaration and permanent injunction. The said suit was decreed ex-parte on 29.07.2010. The defendant filed an Interlocutory Application for setting aside the same. There was delay of 1132 days in filing the set aside petition. The delay condonation petition in I.A.No.275 of 2013 was filed. The court below, by order dated 04.07.2014, dismissed the said Interlocutory Application. Questioning the same, this Civil Revision Petition has been filed.

2. It is seen from the materials on record that even during the pendency of the suit, the revision petitioner herein sold the property in question on 25.03.2009 in favour of one Palanisamy. The revision petitioner, with full knowledge of institution of the suit filed against him, chosen to effect conveyance of the property in favour of a third party. The revision petitioner thereafter deliberately left the suit to be decreed ex-parte. The delay of 1132 days occasioned in filing the set aside application is inordinate. The revision petitioner has not given any convincing reason for condoning the said delay. The revision petitioner claims that he was



heavily indebted and that made him to leave the locality. That cannot be a reason for condoning the delay. The court is justified in dismissing the application filed by the revision petitioner. There is no merit in this Civil Revision Petition and the same is dismissed. No costs.

WEB COPY

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

- 1.The District Munsif, Oddanchathiram.
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.S.R.SURESH KUMAR, ADVOCATE IN SR No. 92318

CM

TE/SV/SAR-4 : 04/12/2018 : 2P/5C

C.R.P.(NPD) (MD) No.38 of 2016
26.10.2018