



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2018

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.NPD[MD]No.456 of 2016

Saradhambal : Petitioner/Petitioner/
3rd Defendant

Vs.

Arunachalam : Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decreetal order passed by the learned Subordinate Judge, Pudukkottai in I.A.No.4 of 2014 in O.S.No.115 of 2010 dated 21.09.2015.

For Petitioner : Mr.S.Deenadhayalan
For Respondent : No appearance

O R D E R

The revision petitioner herein was shown as the third defendant in O.S.No.115 of 2010, on the file of the Subordinate Court, Pudukkottai. It is a suit for partition. Preliminary decree was passed on 10.11.2011. The revision petitioner herein remained ex-parte. To set aside the preliminary decree, the revision petitioner filed an Interlocutory Application. There was a delay of more than 745 days in filing such an application. To condone the delay, I.A.No.4 of 2014 was filed. The Court below by the impugned order dated 21.09.2015 dismissed the same. Questioning the correctness of the said order, this Civil Revision Petition is filed.

2.The revision petitioner is seeking to set aside the preliminary decree. This Court wanted to know as to whether there was improper allocation of shares. But, there is no convincing answer in this regard from the revision petitioner. The revision petitioner can always take part in the final decree proceedings and protect her interest. In any event, the revision petitioner has not given convincing or proper reasons for condoning the delay of 745 days in filing the set aside application. The Court below



rightly came to the conclusion that the revision petitioner could not make out sufficient cause for condonation. There is no merit in this Civil Revision Petition. Accordingly, it is dismissed. No costs.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS-)

To
The Subordinate Court,
Pudukkottai.

Copy TO:

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

+ 1 CC TO MR.S.DEENADHAYALAN, ADVOCATE IN SR NO.86844

MR
BU/PM/SAR-III:25.10.2018 : 2P/5C

ORDER MADE IN
C.R.P.NPD[MD]No.456 of 2016
25.09.2018