



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.NPD[MD]No.595 of 2016

and

C.M.P.[MD]No.2638 of 2016

Suresh

: Petitioner

Vs.

Maheswari

: Respondent

PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, praying to set aside the petition and order passed in I.A.No.190 of 2015 in O.S.No.04 of 2014 dated 04.01.2016 on the file of the learned Sub-Court, Virudhunagar and allow the above revision petition.

For Petitioner

: Mr.A.Sureshselvakumar

For Respondent

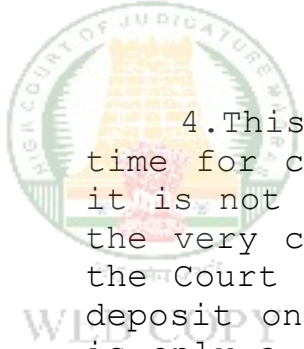
: Mr.R.Rajamohan

O R D E R

The defendant in O.S.No.4 of 2014, on the file of the Subordinate Court, Virudhunagar is the revision petitioner herein. It is a suit for payment of money. An ex-parte decree was passed against the defendant. To set aside the same, the defendant filed an application. There was a delay of 305 days. To condone the same, I.A.No.190 of 2015 was filed. The Court below allowed the said Interlocutory Application on condition that the defendant deposits 1/4th of the principal amount within a period of one month. Challenging the condition so imposed, this Civil Revision Petition has been filed.

2.The learned Counsel appearing for the revision petitioner reiterated the contentions set out in the memorandum of grounds. He submitted that an onerous condition has been imposed on him and that the delay should have been condoned without imposing any condition.

3.The learned Counsel appearing for the plaintiff pointed out that the order impugned in this Civil Revision Petition was passed on 04.01.2016. The condition was that the defendant should deposit 1/4th of the principal amount within one month. This period expired on 03.02.2016. Therefore, on 02.02.2016, the revision petitioner filed I.A.No.27 of 2016, for extension of time. The same was dismissed. He took out two more applications on the same lines. Those exercises also ended in vain.



4.This Court is of the view that after seeking extension of time for complying with the condition imposed by the Court below, it is not fair on the part of the revision petitioner to question the very condition itself. In any event, the condition imposed by the Court below is not onerous. The defendant was called upon to deposit only 1/4th of the principal amount. The principal amount is only a sum of Rs.99,000/-. Therefore, this Court is of the view that no case has been made out for interference.

5.The Civil Revision Petition stands dismissed, accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The Subordinate Court,
Virudhunagar.

Copy to

The Section Officer, (2 copies)
VR Section,
Madurai Bench of Madras High Court,
Madruai.

+1cc to Mr.A.Sureshselvakumar, Advocate Sr.No.87042
+1cc to Mr.R.Rajamohan, Advocate Sr.No.86368

mr

VB/PM/SAR3/13.11.2018/2P/6C

ORDER MADE IN
C.R.P.NPD[MD]No.595 of 2016
25.09.2018