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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (NPD) No.2119 of 2018

and

C.M.P. (MD) No.9363 of 2018

Muralidharan ...Petitioner / Petitioner / Defendant
/Vs./

1.Krishnaveni

2.Minor Lakshmanan Aravind

[Minor 2nd respondent through his mother and next guardian]

First Respondent)

...Respondents / Respondents / Plaintiffs

Prayer: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to allow this civil revision petition by setting aside the fair and decreetal order dated 30.06.2018 made in I.A.No.605 of 2017 in O.S.No.123 of 2009 on the file of the Principal Sub Court, Tirunelveli.

For Petitioner : Mr.T.Selvan

ORDER

The defendant in O.S.No.123 of 2009 on the file of the Principal Sub Court, Tirunelveli is the revision petitioner herein. He suffered an exparte decree. To set aside the same, he filed an application. But, there was a delay of 2560 days in filing the said application. Seeking condonation, I.A.No.605 of 2017 was filed. The Court below by order dated 30.06.2018 dismissed I.A.No.605 of 2017. Questioning the correctness of the said order, this civil revision petition has been filed.

2. The suit is one for maintenance. The trial Court has awarded only a sum of Rs.8,000/- to the respondents. The petitioner is working as a Conductor. Therefore, the decreetal amount cannot be said to be excessive. That apart, the delay occasioned in filing the set aside application is inordinate. The trial Court has given a specific finding that sufficient cause has not been made out. This is also because there are other matrimonial proceedings pending between the parties. This Court does not propose to interfere with the order passed by the Court below. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (T&P)

/True Copy/



To
The Principal Sub Court,
Tirunelveli.

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• 1 CC TO Mr.T.Selvan , ADVOCATE IN SR No.87398.

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DS RP SAR3 29 10 2018 2P 3C

Order made in
C.R.P. (MD) (NPD) No.2119 of 2018