



holding that the defendant has not properly explained the reason for the delay of 584 days in filing the petition to set aside the exparte decree.

5. Aggrieved against the order passed in I.A.No.264 of 2010 in O.S.No.241 of 2007, the 1st defendant preferred the present Civil Revision Petition before this Court.

6. Heard Mr. S.P.Muthuvijayapandian learned counsel for the petitioner and Mr. R. Devaraj, learned counsel for the respondent.

7. The petitioner is the first defendant who preferred I.A. No.264 of 2010. In the petition, he has stated that the case was posted to 8.4.2008 for filing his written statement, but the petitioner could not file the same since he was suffering from jaundice and was taking treatment from 27.3.2008, therefore he was unable to appear before the Court and file his written statement. The petitioner has made averments with regard to his health condition, due to which, he was unable to appear before this Court on 8.4.2008 which resulted in the passing of exparte decree on 29.7.2008.

8. The further averment by the petitioner was that even the information given by his counsel regarding the passing of exparte decree could not have been received by him, since he was out of station. Even, due to the same reason, the petitioner was not able to file the petition to set aside the exparte decree as a precautionary measure in time.

9. The respondent wife in the counter statement denied all the averments and the main submission made by the respondent was that the suit was filed for payment of maintenance amount and there is an arrears of huge amount to the tune of of Rs.3 lakhs to be paid towards maintenance by the petitioner. It was further argued that if at all, the reasons stated by the petitioner is genuine and true, the petition can be allowed and It was further contended that if the petitioner pays 50% of the arrears amount, the petition may be allowed.

10. On 14.2.2018, this Court, on hearing the representation made by both sides, passed an order directing the petitioner to pay Rs.95,000/- to the respondent by way of Demand Draft on or before 14.3.2018 in the name of the respondent/wife, failing which, the petition shall stand dismissed automatically without further reference to this Court and posted the matter on 15.3.2018.

11. Since the petitioner has not complied with the earlier order passed by this Court on 14.2.2018, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar(Crl Side)

/True copy/

Sub Assistant Registrar(CS-III)



To

The Principal Sub Court at Karur.

+1cc to Mr.P.MUTHUVIJAYAPANDIAN, Advocate, SR.No. 88605

C.R.P. (MD) NO.281 OF 2011
and M.P. (MD) No. 1 of 2011
15.03.2018

MSR

KK/PM/SAR-3/21.12.2018/3P-3C