



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P. (PD) (MD) No.94 of 2013

and

M.P. (MD) No.1 of 2013

Chellam Nadar

:Petitioner/Petitioner/ 1st Defendant

vs.

1.Rajamani Nadar (died) (Plaintiff)

2.Nallmuthammal

3.Suvanesh Rajamani

4.Kaganesh Mutharasu

5.Pranesh Rajan

6.Surganesh Ponnu

: Respondents/Respondents/
L.R's of 1st Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the decree and order dated 15.03.2012 passed in I.A.No.602 of 2011 in O.S.No.209 of 1992 on the file of the Principal District Munsif, Nagercoil.

For Petitioner

: Mr.N.Dilipkumar

for N.Dharmar

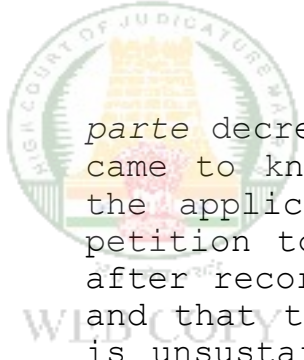
For R-2 to R-6

: Mr.R.T.Arivukumar

ORDER

This Civil Revision Petition is filed against the decree and order dated 15.03.2012 passed in I.A.No.602 of 2011 in O.S.No.209 of 1992 on the file of the Principal District Munsif, Nagercoil, dismissing the petition to condone the delay of 193 days in filing the petition to set aside the *ex parte* decree.

2.The respondents in this Civil Revision Petition are the legal representatives of one Rajamani Nadar, who filed a suit in O.S.No.209 of 1992 on the file of the Principal District Munsif Court, Nagercoil, for the relief of specific performance of the agreement of sale. Due to non-appearance on the side of the petitioner/ defendant, an *ex parte* decree was passed on 17.12.1993 and the respondents have also filed an Execution Petition in E.P.No.109 of 1999. The revision petitioner has also appeared in the execution petition through an advocate on 31.08.1999. However, the petitioner also filed a petition praying to set aside the *ex*



parte decree passed in the suit stating that the revision petitioner came to know about the ex parte decree only on 04.03.2008. Since the application has been filed after the delay of 15 years, the petition to condone the delay of 193 days was dismissed on merits, after recording the fact that petitioner had knowledge even in 1999 and that the petition without any explanation for inordinate delay is unsustainable in law and the delay of more than 15 years cannot be condoned.

3. In view of the fact that there is no explanation for the inordinate delay in filing the petition, this Court find no reason to interfere with the order of lower Court. On proper appreciation on whole facts, this Court has no hesitation to dismiss the civil revision petition. Hence, this Civil Revision Petition is dismissed and the order dated 15.03.2012 passed in I.A.No.602 of 2011 in O.S.No.209 of 1992 on the file of the Principal District Munsif, Nagercoil is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar (Crl Side)

/True copy/

Sub Assistant Registrar (CS-III)

To

1. The Principal District Munsif,
Nagercoil.

2. The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1cc to Mr.N.DILIP KUMAR, Advocate, SR.No. 76176
+1cc to Mr.R.T.Arivukumar, Advocate, SR.No. 75994

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CP

KK/SV/SAR-3/20.09.2018/2P-6C