

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

**CORAM :
THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR**

C.R.P. (NPD)No.2441 of 2013

1.T.Gnanaprabhu
2.G.Jagadambigai

.. Petitioners/Defendants 7 & 8/
Petitioners

Vs.

1. Minor Pachaiaippan
Rep.by his Guardian &
Grandmother Alamelu Ammal .. Respondent1/Plaintiff/Respondent1
2. Muniammal
3.Rajeswari
4.Ammu .. Respondents3to5/Defendants 2504
Respondents.
5.Chandra
6.Thirupurasundari .. Respondent6&7/Defendants5&6
Respondents 5&6

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the order and decretal order dated 16.06.2011 made in I.A.No.1204 of 2008 in O.S.No.45 of 1999 on the file of the Subordinate Judge, Kancheepuram.

For Petitioner : No appearance

For Respondent : Mr.S.D.S. Philip

ORDER

When the matter was called today, there is no representation on behalf of Revision Petitioner. Respondent's counsel present. The Revision is pending from 2013 onwards. Hence I proposed to dispose of the revision on merits.

This revision is filed aggrieved over the order of the trial Court dismissing the application filed to condone the delay of 794 days in filing the petition to set aside the ex parte decree. The suit itself filed partition of the property. The Revision Petitioner is the subsequent purchaser which is not in dispute. The Revision Petitioners are impleaded themselves in the final decree proceedings in I.A.No.152 of 2004 as 7th and 8th Respondents/7th and 8th Defendants as per order in I.A.No.427 of 2004. Having impleaded in the final decree proceedings in the year 2004, the present application has been filed only in the year 2008 to set aside the ex-parte decree with a delay of 794 days. The entire affidavit of the Revision Petitioner do not show any sufficient cause, whereas the only pleading has been made to non-suit the Plaintiff. Unless the delay of 794 days is properly explained as a matter of right the delay cannot be condoned. The word "sufficient

cause" though required liberal approach to advance substantial justice, there must be reasonable explanation for delay. The Revision Petitioner having impleaded in the final decree proceedings in the year 2004 after that they remained silent till 2008 and filed application without any reason to condone the delay. Hence the order passed dismissed the petition based on the factual aspects which does not require any interference. Hence, the Revision Petition is dismissed.

05.02.2019

Index : yes/no

Internet : yes/no

Speaking order/non-speaking order

ggs

To

The Subordinate Judge,
Kancheepuram.

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N.SATHISH KUMAR, J.

ggs



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