

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.04.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(NPD)No.1106 of 2019

and

CMP.No.7260 of 2019

K. Ramakrishnan

... Petitioner

-VS-

1. P.Dakshinamoorthy

2. D. Gopi

3. D. Kumar

... Respondents

**Prayer:** Civil Revision Petition filed under section 115 of Civil Procedure Code praying to set aside the fair order and decretal order dated 24.01.2019 made in I.A.No.267 of 2018 in O.S.No.57 of 2016 on the file of the Court of the Subordinate Judge, Gingee by allowing this Civil Revision Petition.

For Petitioner : Mr. T. Dhanasekaran

**ORDER**

The above Civil Revision Petition is filed challenging the condonation of delay of 91 days in filing the Application to set aside

the ex parte decree passed against the revision petitioner/plaintiff in O.S.No.57 of 2016 by the learned Subordinate Judge, Gingee. The respondents/defendants would come forward with the case that on 12.06.2017 ex parte order came to be passed against them and this fact was not known to them till 28.12.2017 when they were informed that a notice in I.A.No.293 of 2017 in O.S.No.57 of 2016 had been affixed on their premises. The respondents/defendants did not get any notice in the suit filed by the revision petitioner/plaintiff herein and in that process, the delay of 91 days had occurred. The Petition was resisted by the plaintiff inter alia contending that the summons was served on the defendants and on the contrary it was refused by them. The learned Subordinate Judge, Gingee had allowed the above Application on payment of cost of Rs.1000/-, challenging this order, the plaintiff is before this Court.

2. Heard Mr. Dhanasekaran, learned counsel for the revision petitioner.

3. Considering the fact that sufficient cause has been shown by the respondents/defendants and also since the suit is based on a mortgage involving the interest of the revision petitioner and the fact that the delay is not inordinate, this Court is inclined to confirm the

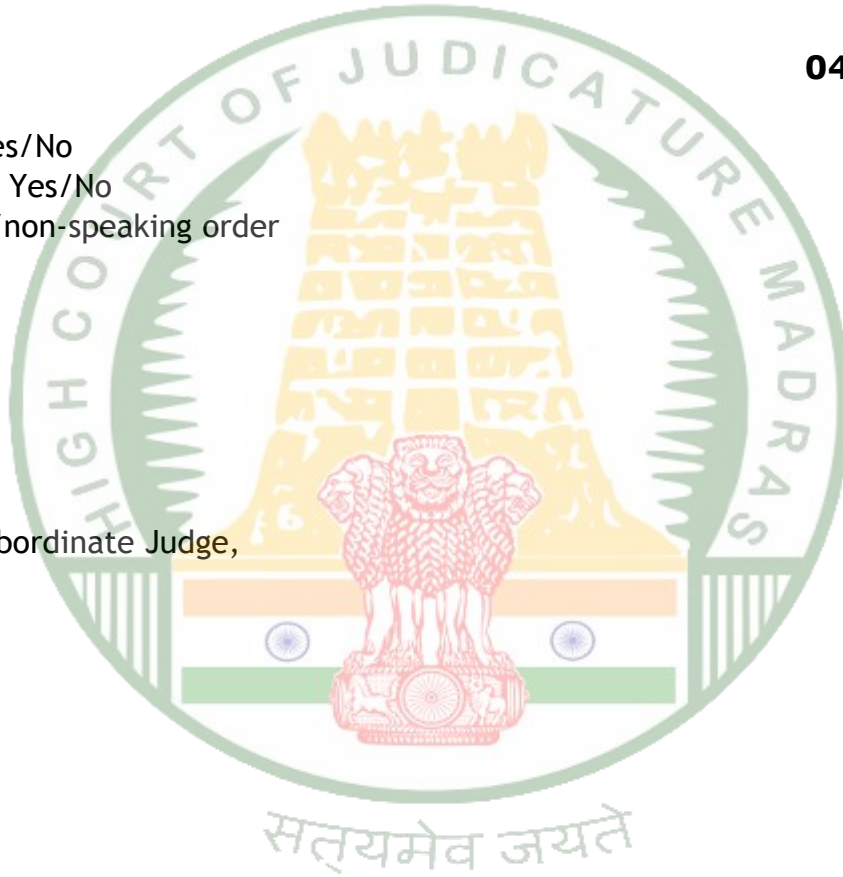
order passed by the Trial Court and accordingly Civil Revision Petition stands dismissed. The suit is of the year 2016. The learned Judge is directed to dispose of the suit on or before 30.08.2019. Consequently, connected Miscellaneous Petition is closed.

**04.04.2019**

Index : Yes/No  
Internet : Yes/No  
Speaking/non-speaking order

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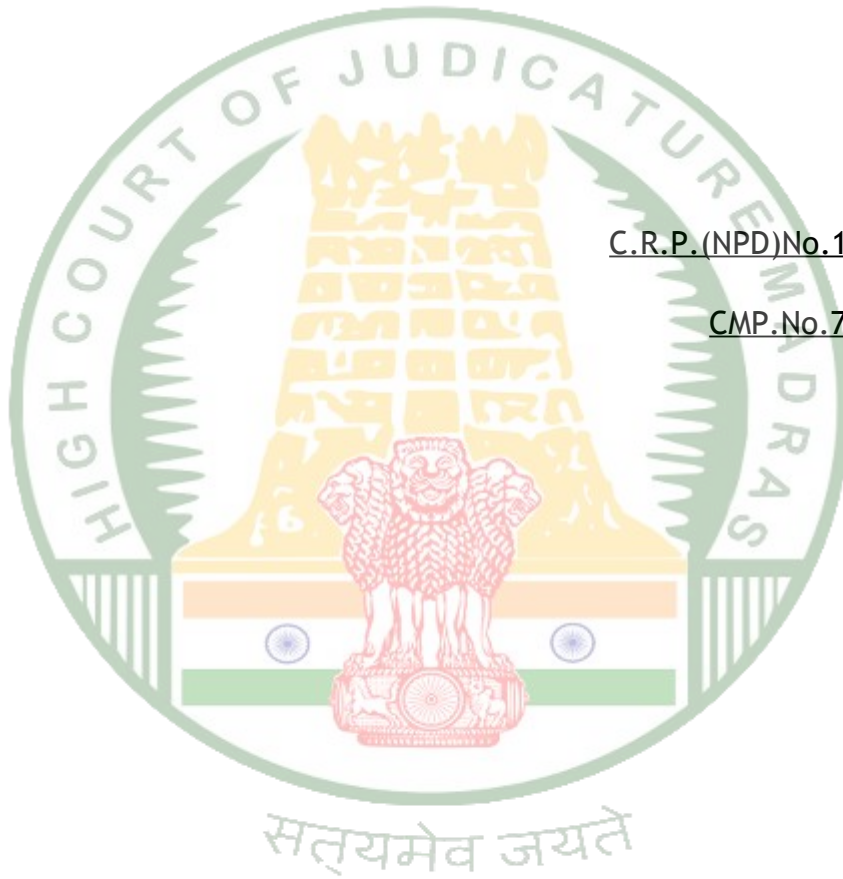
To  
1. The Subordinate Judge,  
Gingee.



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P.T. ASHA, J.,

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