

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(NPD).No.193 of 2016

and

C.M.P.No.962 of 2016

Mr.Balaji

... Petitioner

-VS-

B.K.Ramamoorthy

... Respondent

Prayer: Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order dated 10.02.2015 in I.A.No.495 of 2014 in O.S.No.108 of 2000 on the file of the Sub Judge, Krishnagiri.

For Petitioner : Mr.M.Mariappan

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ORDER

The above Civil Revision Petition is filed challenging the dismissal of an application to condone the delay of 1660 days in setting aside the abatement caused due to the death of deceased 2nd defendant and to bring the Revision Petitioner as defendant in the Suit.

2. It is seen from the records that the 2nd defendant had been set ex-parte in the Suit in O.S.No.108 of 2000 on 22.11.2006 and she had moved an application in I.A.No.109 of 2006 to condone the delay of 1724 days in filing the application to set aside the ex-parte decree. While that application is pending without passing orders, the 2nd defendant had passed away on 23.01.2008. Thereafter, her son has moved his application to set aside the ex-parte decree caused due to the death of his mother. It is also seen that the final decree has also been passed in the above suit and the revision petitioners are parties to that proceedings.

3. The Lower Court namely the Sub Court, Krishnagiri, by an order dated 10.02.2015, dismissed the said application by holding that the revision petitioners have not come forward with any reason whatsoever for condoning the delay and therefore, the Court has come to the conclusion that the application being bereft of sufficient cause, deserves to be dismissed and is accordingly dismissed.

4. I do not find any infirmity in the order passed by the learned Subordinate Judge, Krishnagiri and also this Court takes note of the fact that decree has already been passed in these proceedings.

5. Accordingly, the Civil Revision Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

01.03.2019

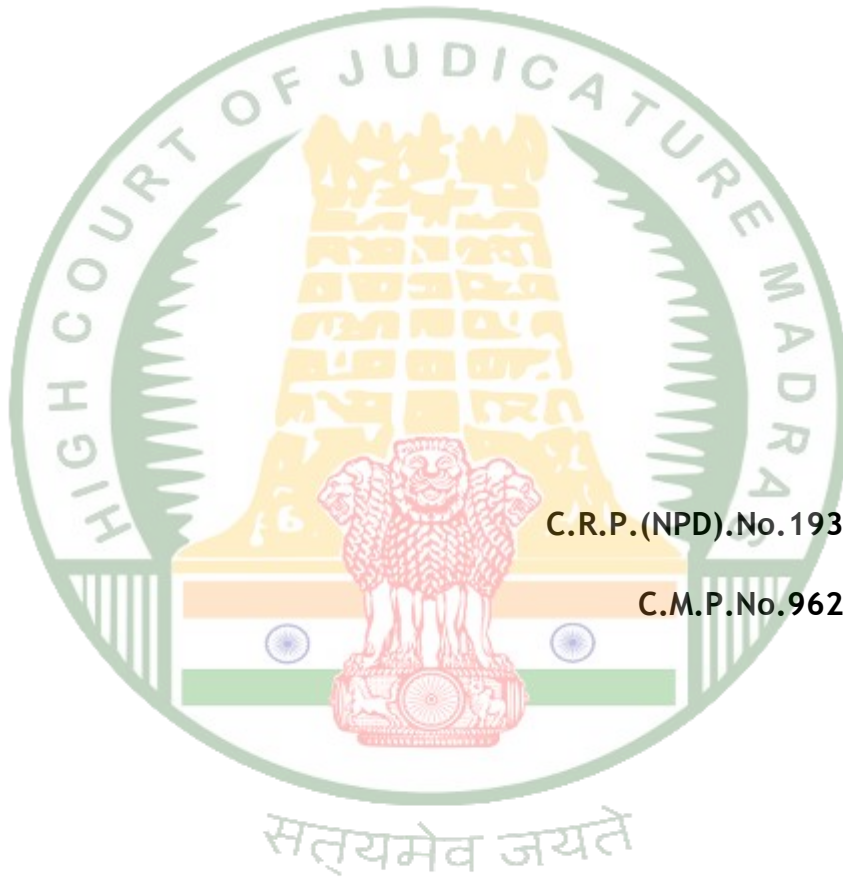
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