

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(NPD) Nos.2537 and 2514 OF 2019

and

C.M.P.NO.16726 OF 2019

Dadukamida

... Petitioner

R.Nalina

... Respondent

Vs.

PRAYER in C.R.P.No.2537 of 2019: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order passed in the suit in O.S.No.244 of 2014 dated 31.07.2014, on the file of XII Assistant Civil Judge, City Civil Court, Chennai.

PRAYER in C.R.P.No.2514 of 2019: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order passed in

I.A.No.8840 of 2014 in O.S.No.244 of 2014 dated 31.07.2014, on the file of XII Assistant Civil Judge, City Civil Court, Chennai.

For Petitioner

: Mr.P.T.Geotom

COMMON ORDER

The petitioner is the defendant in the suit. He filed a petition seeking leave to defend the petition and the said petition was dismissed, consequently the said suit was decreed on 31.07.2014. The respondent / decree holder filed an Execution Petition to execute the decree in the year 2018. After receipt of notice in the execution petition, the petitioner, after a lapse of five years, has chosen to challenge the dismissal of his petition seeking leave to defend and the consequential decree dated 31.07.2014, in the above revision petitions.

2. Admittedly, the petitioner borrowed from the respondent and claimed that she had repaid more than the amount borrowed. When there is a clear admission, the trial Court refused to grant leave. The petitioner, if aggrieved, should have approached this Court within a reasonable time or should have filed appeal. But challenging the stale order after receiving notice in execution proceedings does not appear to be bonafide.

3. In the considered opinion of this Court, the Civil Revision Petitions are highly belated and cannot be entertained and accordingly dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

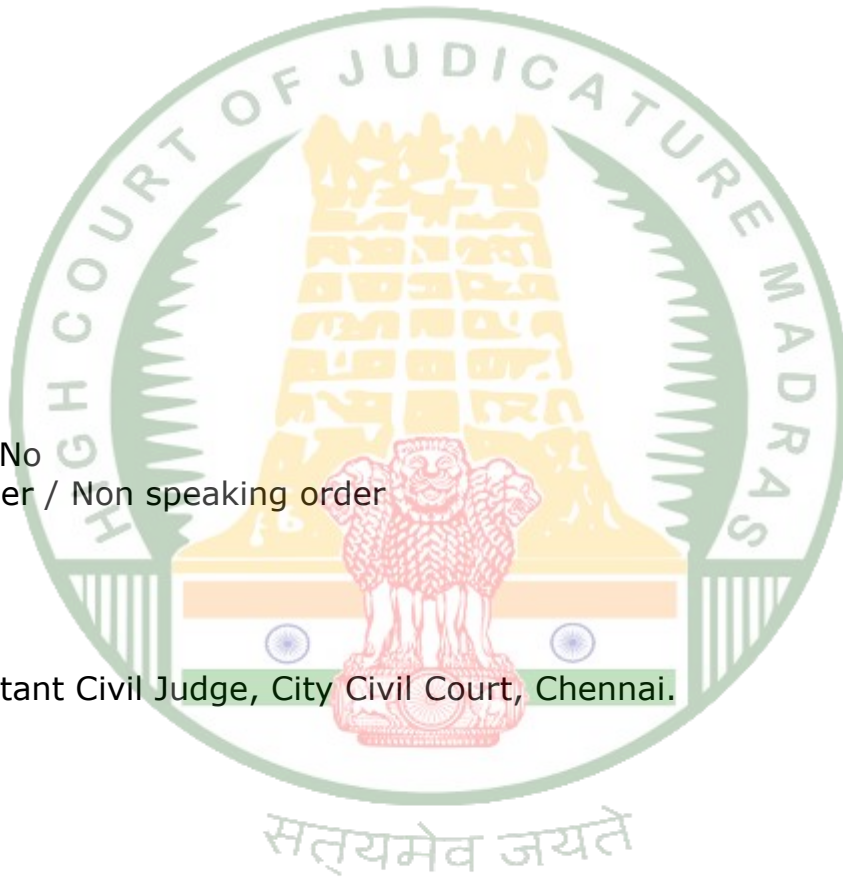
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Index: Yes / No
Speaking order / Non speaking order

To

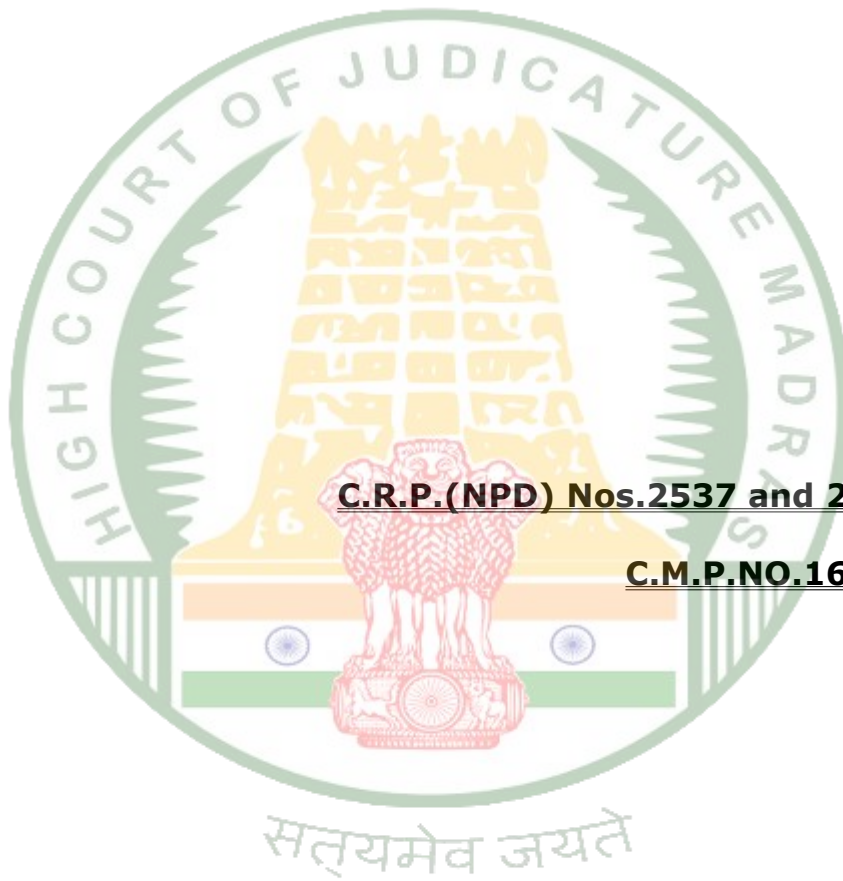
The XII Assistant Civil Judge, City Civil Court, Chennai.



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M.GOVINDARAJ, J.

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