

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2019

CORAM

THE HONOURABLE MR. **JUSTICE C.SARAVANAN**

C.R.P(PD).No.1190 of 2014
and
M.P.No.1 of 2014

Rajamanickam

... Petitioner

Vs

1.Mayavan

2.Ayyavoo

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India against the order dated 23.10.2013 in I.A.No.23 of 2012 in I.A.No.38 of 2011 in unnumbered A.S.No. of 2012 on the file of the Subordinate Judge, Sankari.

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For Petitioner : Mr.R.Ezhilarasan

ORDER

The present Civil Revision Petition has been filed against the fair and decreetal order dated 23.10.2013 by the learned Subordinate Judge, Sankari rejecting the application for condoning delay of 182 days for filing application to set aside the exparte decree and judgment.

2. The petitioner herein is the defendant in the suit and set exparte in O.S.No.189 of 2007 dated 12.08.2010. To set aside the same, the petitioner herein had filed I.A.No.38 of 2011 stating that he had suffered from Jaundice and therefore he could not immediately take steps for set aside the ex parte decree.

3. In the counter, the respondent had serious objections raising that the delay has not been properly explained. By way of reply statement, the petitioner herein stated different reason i.e., that bundles being mingled with other records in the computer and thereafter the petitioner met an Advocate and came to know that the judgement copy was received.

4.The Court below had refused to accept the reply statement. It is noticed that the petitioner had not given proper explanation for condoning the delay. Therefore, the petitioner is permitted to file an appropriate affidavit for explaining the reason in condoning the delay.

5. The lower Court shall pass order after hearing both sides. This exercise shall be done within a period of one month from the date of communication of this order.

6. With the above observations, this Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

11.02.2019

dh

To

The Subordinate Judge,
Sankari.

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C.SARAVANAN, J.,

dh



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