

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(NPD).No.3772 of 2017

and

C.M.P.No.17568 of 2017

Raju

...Petitioner

Vs

Pavayee

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 19.08.2017 made in I.A.No.1666 of 2016 in O.S.No.36 of 2010 on the file of the learned I Additional District Munsif, Bhavani.

For Petitioner : Mr.N.Manokaran

ORDER

The above Civil Revision Petition is filed challenging the order passed by the learned I Additional District Munsif, Bhavani, in I.A.No.1666 of 2016 in O.S.No.36 of 2010 in and by which, the application filed by the revision petitioner for condoning the delay of 2208 days was dismissed.

2.The brief facts which are necessary for disposing of the above revision petition are as follows:

The respondent herein has filed a suit for Specific Performance in O.S.No.36 of 2010 on the file of the learned Principal District Munsif, Bhavani, against the revision petitioner. An *ex parte* decree was passed on 17.08.2010. Thereafter, an execution petition in E.P.R.No.1 of 2016 for executing the Sale Deed was filed and thereafter, the revision petitioner has come forward with the application to condone the delay of 2208 days in filing the application to set aside the *ex parte* decree.

3.From the averments in the affidavit, it is clear that on 30.07.2010, the petitioner was aware that the suit was posted for filing of the Written Statement and that on the same day, an Ex *parte* order was passed. Thereafter, on 17.08.2010, the *ex parte* decree came to be passed. The respondent has offered an explanation for his absence only on 26.09.2016. Thereafter, there is no reason given from 17.08.2010 till 26.09.2016 as to why the revision petitioner has not filed an application to set aside the *ex parte* decree.

4.The learned Principal District Munsif, Bhavani, has rightly dismissed the application stating that sufficient cause has not been shown, by relying upon the various Judgments of this Court. I find no infirmity in the order passed by the learned I Additional District Munsif, Bhavani.

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P.T. ASHA, J,

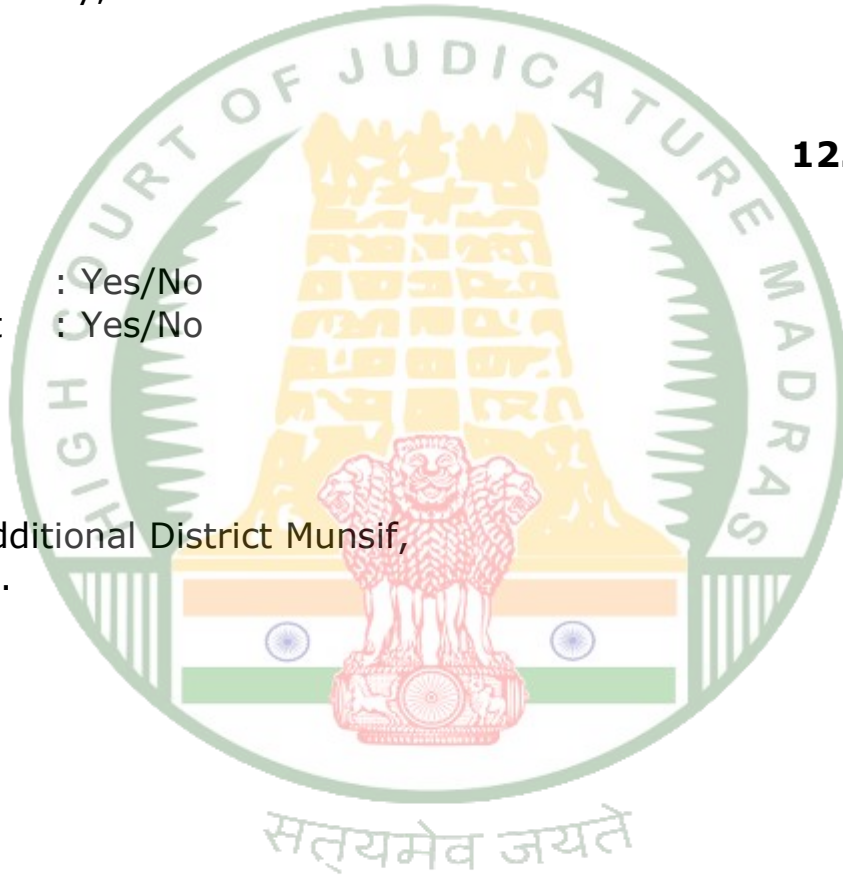
This Civil Revision Petition is dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

12.02.2019

Index : Yes/No
Internet : Yes/No
mps

To

The I Additional District Munsif,
Bhavani.



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