

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2019

CORAM :

THE HON'BLE Ms. JUSTICE P.T.ASHA

C.R.P. (NPD) No.4140 of 2017

and

C.M.P. No.19408 of 2017

D.V.Venkatesan ... Revision Petitioner

Vs.

N.R.Subramanian ... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure to set aside the order made in I.A.No.446 of 2016 in O.S.No.270 of 2012 dated 11.09.2017 on the file of the Principal District Court, Kancheepuram at Chengalpattu.

For Petitioner : Mr.S.Senthil Nathan

For Respondent : Mr.R.Gunaalan
for Mr.C.V.Kumar

ORDER

The above Civil Revision Petition has been filed, challenging the order, dismissing the application of the revision petitioner/defendant for condoning the delay of 1152 days in filing the application to set aside the exparte decree.

2.The suit in O.S.No.270 of 2012 had been filed by the respondent herein, for recovery of a sum of Rs.35,94,500/- due towards a promissory note. The defendant, after entering appearance, has thereafter not participated in the proceedings. Subsequently, an exparte decree came to be passed on 18.01.2013. Even thereafter, the revision petitioner/defendant remained quiet and it is only when the execution proceedings had been initiated, the impugned application came to be filed by the revision petitioner/defendant. The reason for the delay has been attributed to the fact that, after handing over the brief, the revision petitioner was on an impression that, all other matters would be taken care of by his counsel and it is seen that he had not bothered to contact his counsel, thereafter.

3.Considering the fact that the revision petitioner has put across a defence that, he does not owe the said amount, this Court is inclined to condone the delay and set aside the exparte decree on condition that, a sum of Rs.20,00,000/- (Rupees Twenty lakhs only) is deposited to the credit of the suit in O.S.No.270 of 2012 within a period of six weeks from today, failing which, the order allowing this Civil Revision Petition shall stand automatically vacated and the order impugned in this revision shall stand restored.

4.The reason for imposing the cost is that, the respondent/plaintiff has been put to disadvantage due to the delay in the proceedings, caused by the

revision petitioner/defendant.

5.In the result, this Civil Revision Petition is allowed on the above lines.

Consequently, connected Miscellaneous Petition is closed.

28.02.2019

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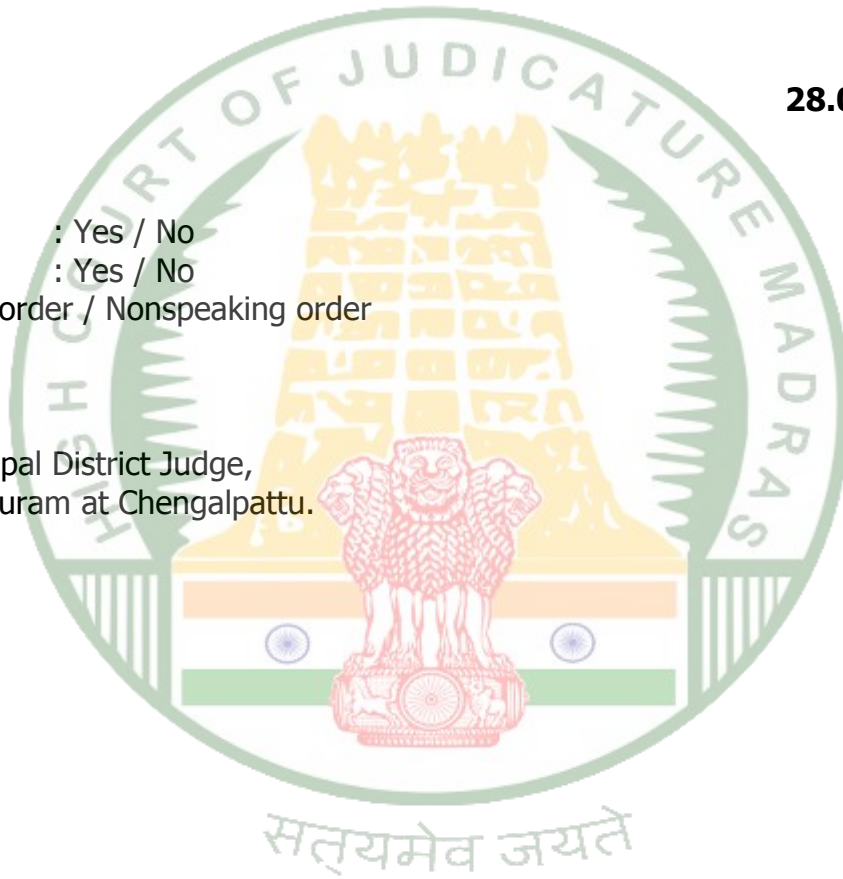
Index : Yes / No

Internet : Yes / No

Speaking order / Nonspeaking order

To

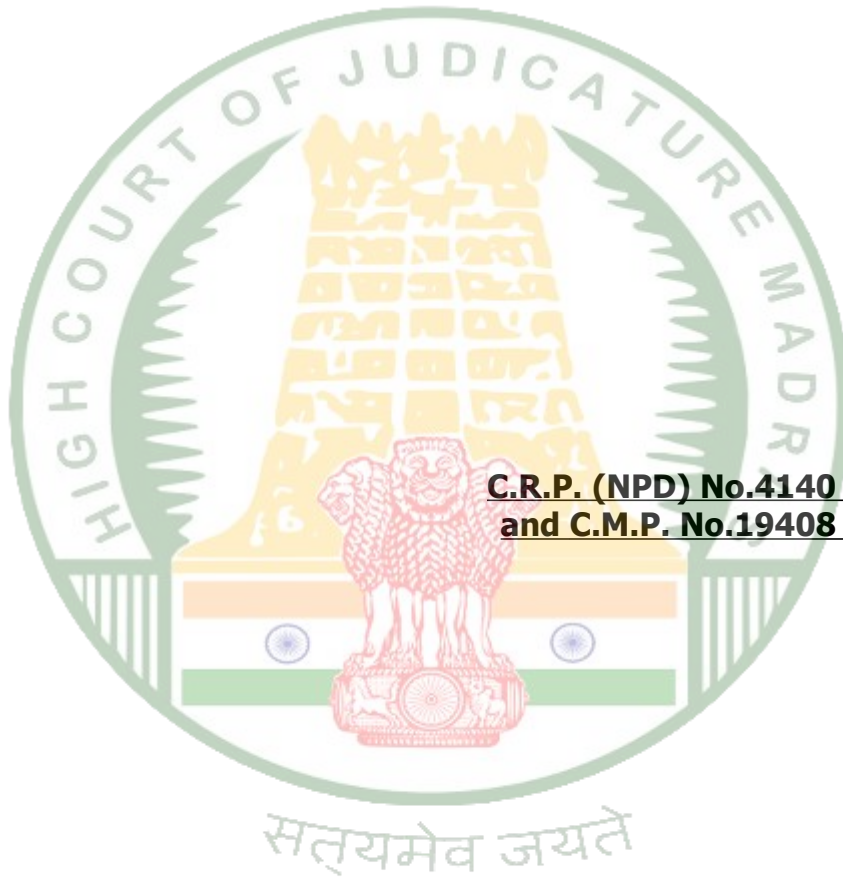
The Principal District Judge,
Kancheepuram at Chengalpattu.



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P.T.ASHA, J.

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