



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (NPD) (MD)No.1867 of 2008

R.Kulandasamy

... Petitioner/Petitioner/Plaintiff

Vs.

1.M/s.A.R.C.Investments

Rep. by its Partner N.Shanthi,
208/1, First Cross Street,
Sengunthapuram Post,
Karur Taluk, Karur District.

2.M/s.Sri A.R.C.Chits Private Ltd.

Rep by its Partner N.Shanthi,
208/1, First Cross Street,
Sengunthapuram Post,
Karur Taluk, Karur District.

3.M/s.S.R.N.Management Consultants Private Ltd.,

Rep. by its Partner N.Shanthi,
208/1, First Cross Street,
Sengunthapuram Post,
Karur Taluk, Karur District.

4.M/s.A.R.C.Chit Funds,

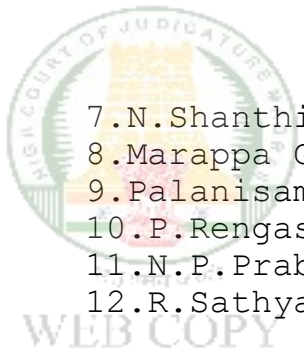
Rep. by its Partner N.Shanthi,
208/1, First Cross Street,
Sengunthapuram Post,
Karur Taluk, Karur District.

5.M/s.Press Vegetable Exports SRN Trusts,

Rep. by its Partner N.Shanthi,
208/1, First Cross Street,
Sengunthapuram Post,
Karur Taluk, Karur District.

6.M/s.ARC Fabrics Pvt. Ltd.

Rep. by N.Shanthi,
208/1, First Cross Street,
Sengunthapuram Post,
Karur Taluk, Karur District.



7.N.Shanthi
8.Marappa Gounder (died)
9.Palanisamy Gounder
10.P.Rengasamy
11.N.P.Prabakaran
12.R.Sathyan

... Respondents/Respondents/Defendants

PRAYER:- Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the order and decretal order dated 02.07.2008 made in I.A.No.523 of 2006 in O.S.No.39 of 2001 on the file of Principal District Munsif Court, Karur.

For Petitioner : Mr.V.Balaji

For R-1 to R-6,
R-9 and R-10 : No appearance

For R-7, R-11
and R-12 : Mr.N.Shanmuga Selvam

ORDER

The plaintiff is the revision petitioner before this Court. The revision petition has been filed challenging the order dated 02.07.2008 made in I.A.No.523 of 2006 in O.S.No.39 of 2001 on the file of Principal District Munsif Court, Karur, in and by which, the learned Principal District Munsif, Karur, had dismissed the petition filed by the revision petitioner/plaintiff for condoning the delay of 866 days in filing the petition to restore the suit, which was dismissed for default on 06.01.2004.

2.The reason that has been given in the affidavit filed in support of the application is that the plaintiff being a businessman is always touring and therefore, he is not available at Karur. The suit has been filed for the relief of dissolving the partnership. Though the plaintiff has stated that he came to know about the dismissal of the suit only in the year 2007, during his cross examination in the Interlocutory Application, he has submitted that even in the year 2006, he came to know about the dismissal of the suit and had got the bundle from the earlier counsel and thereafter, appointed the subsequent counsel. The evidence, is totally bereft of any reason whatsoever for the delay from the year 2004 in filing the application. The learned Principal District Munsif has dismissed the said application for want of sufficient cause. Hence, I do not find any infirmity in the order passed by the trial Court.



3.In view of the above, this Civil Revision Petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS-III)

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Sub Assistant Registrar

cp

To

The Principal District Munsif ,
Karur.