



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Nineteenth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CMP(MD) No.1094 of 2018
IN
CRP(MD) No.SR44133 of 2017

A.JOSEPH

... PETITIONER/ PETITIONER

Vs

A.MUTHURAJ

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Condone the delay of 13 days in filing the above said Civil Revision Petition challenging the fair and decreetal order dated 20.06.2017 in I.A.No.819 of 2016 in O.S.No.293 of 2014 on the file of the Learned Principal District Munsif, Dindigul and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.AROCKIAM, Advocate for the petitioner and the respondent not appeared either in person or by an advocate, the court made the following order:-

The petitioner has filed C.R.P.(MD) No.SR44133 of 2017 against the order passed in I.A.No.819 of 2016. The said I.A., has been filed by the petitioner in filing a petition to set aside the ex parte decree and the same has been dismissed by the trial Court. Aggrieved against the order passed in the said I.A., the petitioner has preferred the present civil revision petition.

2.There was a delay of 13 days in preferring the civil revision petition.

3.The reason stated by the petitioner is that he was suffering from common illness and he was also taken a native treatment. The petitioner contended that the respondent filed a suit for specific performance and the said suit was decreed as ex parte because the petitioner was totally unaware of the pending of the suit.

4.Further, he received only a hand loan from the respondent, whereas, based on the ex parte decree, the respondent also initiated the E.P., proceedings and now he is very much in need of an emergent



order as the respondent is trying to disburse the property that is available to him.

5. Considering the reasons stated by the petitioner as well as the status of the case, the delay of 13 days in preferring the Civil Revision Petition is condoned with cost of Rs.2,000/- to the credit of Chief Justice Relief Fund, within a period of 3 days from the date of receipt of a copy of this order.

6. The Registry is directed to number the Civil Revision Petition and post the same on 26.02.2019 for hearing or disposal.

sd/-
19/02/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE PRINCIPAL DISTRICT MUNSIF,
DINDIGUL.

COPY TO:

1. THE SECTION OFFICER, (Chief Justice Relief Fund)
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2. THE SUB ASSISTANT REGISTRAR, AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.ARUL JENIFER, Advocate SR.No.3473

ORDER
IN
CMP(MD) No.1094 of 2018
IN
CRP(MD) No.SR44133 of 2017
Date :19/02/2019

MS/JC/SAR-4/22.02.2019/2P.5C