



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (NPD) (MD) Nos.2404 and 2405 of 2011

and

M.P(MD) No.1 of 2011

Karuppusamy @ Raj

... Petitioner/Petitioner/Defendant
(in both CRPs)

Vs.

Parani (minor)

D/o.Karuppusamy @ Raj
Through her mother and
next friend Easwari

... Respondent/Respondent/
Plaintiff
(in both CRPs)

COMMON PRAYER:- Civil Revision Petitions filed under Section 115 of Civil Procedure Code, against order passed by the District Munsif Court, Odanchathiram on 29.07.2011 made in I.A.Nos.173 and 175 of 2011 in O.S.No.161 of 2008.

For Petitioner : Mr.S.C.Herold Singh
(in both CRPs)

For Respondent : No appearance
(in both CRPs)

COMMON ORDER

C.R.P(MD) No.2404 of 2011 has been filed challenging the order passed in I.A.No.173 of 2011 in O.S.No.161 of 2008 on the file of the learned District Munsif Court, Odanchathiram, which is an application to condone the delay of 426 days in filing the application to restore I.A.No.933 of 2008 and C.R.P(MD) No.2405 of 2011 has been filed challenging the order in I.A.No.175 of 2011 in O.S.No.161 of 2008 on the file of the learned District Munsif Court, Odanchathiram, which is an application to condone the delay of 426 days in filling the application to restore I.A.No.934 of 2008.

2.Since both the civil revision petitions emanate from the
<https://hcservices.ecourts.gov.in/hcservices/>



same subject matter, this Court is passing a common order.
Tendered

3.The respondent who is the minor child of the revision petitioner herein had filed a suit in O.S.No.161 of 2008 for partition and separate possession of her half share in the suit schedule property. In the said suit an ex-parte order had been passed on 16.11.2006. Thereafter, the petitioner had come forward with an application to set aside the ex-parte decree in I.A.No.934 of 2008. Since there was a delay of 683 days in taking out the application, Section 5 application in I.A.No.933 of 2008 to condone the delay of 683 days in filing the petition to set aside the ex-parte decree, was also filed. The revision petitioner herein allowed the application to be dismissed for default. Thereafter, in February 2011, the application was moved in I.A.No.173 of 2011 to condone the delay of 426 days in filing the application to restore I.A.No.933 of 2008 and I.A.No.175 of 2011 was filed to condone the delay of 426 days in filing the application to restore I.A.No.934 of 2008. The reason that has been given for the delay is that the petitioner was suffering from jaundice and taking treatment at Kerala. The affidavit filed in support of the petition is totally bereft of any other particulars like the date from which he has been undergone treatment, the date of recovery etc.,. The learned District Munsif had dismissed both the applications stating that the revision petitioner had not shown sufficient cause for condoning the delay. The said orders are the subject matter of challenge before this Court.

4.From a reading of the affidavits and other connected papers, it is seen that the revision petitioner would come forward with a plea that he suffered from jaundice and that had taken treatment at Kerala, but he does not give any details whatsoever with reference to the details of ailment, etc., Therefore, the affidavits filed in support of the applications lack of the basic ingredients of sufficient cause. The Court below has rightly dismissed the petitions. Hence, I do not find any reason to interfere with the same.

5.In the result, this Civil Revision Petitions are dismissed.
No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)



cp

To

The District Munsif Court, Odanchathiram

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+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-89500[F] dated 26/09/2019)

C.R.P. (NPD) (MD) Nos.2404 and
2405 of 2011

and

M.P(MD) No.1 of 2011
24.09.2019

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