

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.07.2020

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.No. 4693 of 2010

C.Manavalan

... Petitioner

Vs.

K.Govindaraji

... Respondent

Prayer: Civil Revision Petition is filed under Section 115 of CPC against the order and decretal order dated 16.08.2010 passed in I.A.No. 1438 of 2009 in O.S.No. 368 of 2005 on the file of the Principal District Munsif, Gingee.

For Petitioner : M/s. R/Thanjan

For Respondent :

ORDER

The respondent filed a suit against the petitioner in O.S.No. 368 of 2005 on the file of the Principal District Munsif Court, Gingee for recovery of money. The said suit was decreed exparte on 04.10.2007. The respondent filed execution petition, in which notice was served to the petitioner on 08.12.2008. Thereafter the petitioner has filed a petition to set aside the exparte decree along with the petition to condone delay of 730 days in filing the said application under Section 5 of the Limitation Act. The trial Court had dismissed the said application. Challenging the same, the petitioner has preferred the present Civil Revision Petition.

2. The learned counsel for the petitioner represented that he has not borrowed any money from the respondent, therefore he is not liable to pay any amount. The learned counsel further submitted that he was not aware of the exparte decree and he came to know only at the time of receiving notice in execution proceedings on 08.12.2008. Immediately after receipt of the said notice, he informed the same to his counsel and as advised by his counsel, he filed the application to set aside the exparte decree, hence delay occurred. Therefore the learned counsel sought for opportunity to proceed with the case before the court below.

3. Heard the learned counsel appearing for the revision petitioner. Though notice to the respondents was served and name is also printed in the cause list, there was no representation on behalf of the respondents.

4. On a perusal of entire records and on considering the submissions made by the learned counsel for the revision petitioner and also considering the fact that the said suit is for recovery of money and decreed in the year 2007, this Court is of the opinion that in order to give an opportunity to prove the defence of the petitioner, one more opportunity can be given to the petitioner on condition to deposit the entire decree amount along with interest as on date.

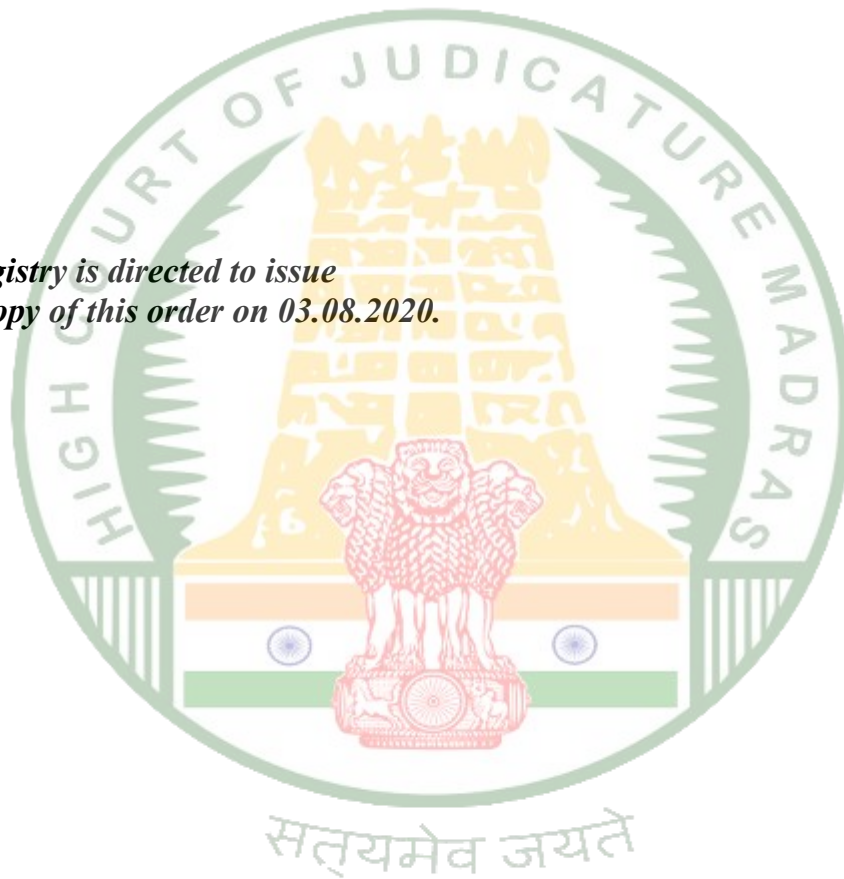
5. Accordingly, the revision petitioner is directed to deposit the entire decreed amount along with interest as on date before this Court to the credit of CRP.No.4693 of 2010 on or before 28.08.2020. Failing which, the present revision petition shall stand automatically dismissed without any further reference of this Court.

6. Registry is directed to list the matter under the caption 'for reporting compliance' on 31.08.2020. It is made clear that no application/memo shall be entertained for extension of time and the registry shall not entertain any petition for extension of time for complying the said directions.

30.07.2020

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***Note: Registry is directed to issue
a copy of this order on 03.08.2020.***



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P.VELMURUGAN, J.

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