

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P. NPD.No. 706 of 2018

B. Krishnan

.. Petitioner

Vs.

Elumalai

.. Respondent

Prayer: Petitions filed under Article 227 of the Constitution of India, to set aside the decree and judgement dated 13.03.2017 made in I.A.No. 141/2016 in I.A.No. 371/2015 in O.S.No. 112/2010 on the file of the learned Subordinate Court, Madurantakam.

For Petitioner : P.Uma

ORDER

This Civil Revision Petition is at the instance of the defendant in O.S.No.112 of 2010. The said suit was filed for recovery of money due under the Promissory Note. An exparte decree came to be passed on 18.07.2011. After a delay of 1107 days the petitioner filed an application in I.A.No.371 of 2015, seeking condonation of delay in filing the application

to set aside the exparte decree. The said application was dismissed for non prosecution on 23.03.2015. Thereafter, after a delay of about 306 days, the petitioner has come up with an application to restore I.A.No.371 of 2015. The reasons for the delay set out in the affidavit are as follows; "I submit that I engaged some other local counsel in the Court. Now only I came to know that the Application filed in I.A.No.371 of 2015 which was dismissed on 23.03.2015. I have a good case on merits". This by no stretch of imagination can be said to be a valid reason for condonation of delay of 306 days. Hence, I do not find any error in the order of the trial Court in dismissing the said application.

2. This Civil Revision Petition fails and accordingly can be dismissed. Therefore, this Civil Revision Petition stands dismissed. No costs.

सत्यमेव जयते

21.08.2020

kmm
Internet: Yes/No
Index: Yes/No

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R.SUBRAMANIAN, J.

kmm

To:-

The learned Subordinate Judge,
Madurantakam.



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