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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **10.01.2020**

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

CRP(NPD) (MD)No.1164 of 2012

and M.P. (MD)No.1 of 2012

Pandi @ Chinnapandi

... Petitioner

versus

Ramuthai

... Respondent

Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the order dated 07.03.2012 passed in I.A.No.1219 of 2011 in O.S.No.517 of 2008 on the file of the District Munsif Court, Thirumangalam, Madurai District.

For Petitioner : Mr.B.Prahalad Ravi

For Respondent : Mr.S.Madhavan

ORDER

This Civil Revision Petition has been directed against the order dated 07.03.2012 passed in I.A.No.1219 of 2011 in O.S.No.517 of 2008, refusing the prayer of the petitioner/first defendant to condone the delay of 332 days in filing the application to set aside the ex parte decree.

2. Learned counsel appearing for the petitioner submitted that during the pendency of the petition, the petitioner died on 17.11.2018. Therefore, he sought time to bring on record the legal representatives of the deceased.

3. This Court finds no justification to grant time for the reason that as the petitioner remained absent before the trial Court on 03.02.2009, he was set ex parte on 03.02.2009 and thereafter, an ex parte decree was passed on 15.09.2010 and further, there was a time gap of 1 ½ years from the date of setting the petitioner as ex parte till the date of passing of the ex parte decree and in between that period, the petitioner has not filed any application to set aside the ex parte decree and in the meanwhile, the respondent filed E.P.No.23 of 2011, wherein, notice was also served on the petitioner and subsequently, the petitioner also appeared before the Executing Court on 11.08.2011 and sought time to file counter and that being the case, it is not known as to why the petitioner, after appearing before the Executing Court, in E.P.No.23 of 2011, on 11.08.2011, had not moved any application for setting the ex parte decree, which shows that the petitioner had wantonly dragged on the matter.



4. However, the Civil Revision Petition fails on the ground that the petitioner died during the pendency of the petition. Hence, the Civil Revision Petition is dismissed as abated. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar

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/ /2020

Sub Assistant Registrar(CS)

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To

The District Munsif Court,
Thirumangalam, Madurai District

Copy to:

The Section Officer,
VR Section, (2 copies)
Madurai Bench of Madras High Court, Madurai

+1 CC to Mr.S.MADAVAN, Advocate (SR-1424[F] dated 10/01/2020)

CRP (NPD) (MD) No.1164 of 2012

10.01.2020

MK (24.02.2020) 2P 5C