



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 08.01.2020  
CORAM :

**THE HONOURABLE MR.JUSTICE T.RAJA**

**C.R.P. (MD)No.2524 of 2012**  
**and**  
**M.P. (MD) .No.1 of 2012**

Annathal .. Petitioner/Petitioner/Defendant  
vs.  
Chithiravel .. Respondent/Respondent/Plaintiff

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order, dated 03.08.2012, in I.A.No.14 of 2012 in O.S.No.60 of 2008, on the file of the District Munsif-cum-Judicial Magistrate, Orathanadu.

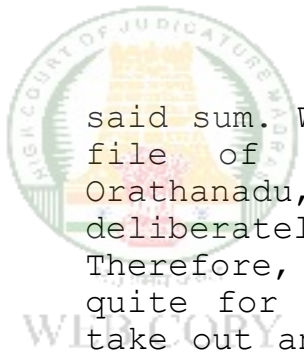
For Petitioner : Mr.G.Karnan

**ORDER**

This Civil Revision Petition has been directed against the impugned fair and decreetal order, dated 03.08.2012, passed in I.A.No.14 of 2012 in O.S.No.60 of 2008, refusing the prayer of the petitioner/defendant to condone the delay in filing the application to recall the exparte decree, passed on 20.11.2008, on the ground that the application to set aside the exparte decree was filed so belatedly with a huge and unexplained delay of three years, ie., the application to set aside the exparte decree was filed only on 08.08.2011.

2. The learned counsel for the petitioner/defendant would submit that when the suit for recovery of money of Rs.60,000/- was filed on the basis of the promissory note, dated 19.05.2005, the defendant fell ill contracting viral fever, as a result, he was not able to cooperate with his counsel and also not able to file written statement. However, after the suit was decreed exparte, written statement was made ready and the application was also filed. But the trial Court has rejected the prayer to condone the delay in filing the application for recalling the exparte decree. Therefore, he prayed that the impugned decreetal order is liable to be set aside by allowing the Civil Revision Petition.

3. This Court finds no merits whatsoever for the reason that, when the petitioner/defendant is said to have borrowed a sum of Rs.60,000/- and for his default in repaying the money, the respondent/plaintiff had to move the Civil Court for recovery of the



said sum. When the civil suit in O.S.No.60 of 2008 was filed on the file of the learned District Munsif-cum-Judicial Magistrate, Orathanadu, the petitioner, in an effort to drag on the matter deliberately failed to file his written statement within 90 days. Therefore, the suit was decreed exparte on 20.11.2008. After keeping quite for almost three long years, the petitioner/defendant cannot take out an application to set aside the exparte decree. Finding no merits whatsoever, the trial Court has dismissed the same. This Court, also equally finds no *iota* of merits on the explanation given to condone the huge delay, hence, this Court is not inclined to entertain the Civil Revision Petition.

4. Accordingly, this Civil Revision Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed. The plaintiff is entitled to execute the decree.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS )

PJL

To

1.The District Munsif-cum-Judicial Magistrate,  
Orathanadu.

2. The Section Officer,  
V.R.Section, (2 copies)  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to Mr.G.KARNAN, Advocate ( SR-1418[F] dated 10/01/2020 )

**C.R.P. (MD)No.2524 of 2012**  
**08.01.2020**

MK (06.02.2020) 2P 5C