



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

C.R.P(MD) No.199 of 2020
and C.M.P(MD)No.1171 of 2020

Paulraj ... Petitioner/Defendant
Vs.

Annalakshmi ... Respondent/Plaintiff

PRAYER: The Civil Revision Petition is filed under Section 115 of Code of Civil Procedure to set aside the fair and decreetal order passed in I.A.No. 1 of 2019 in O.S.No.296 of 2016 dated 03.01.2020 on the file of the Principal Sub Court, Tenkasi.

For Petitioner : Mr.M.S.Suresh Kumar
For Respondent : No appearance

O R D E R

This Civil Revision Petition has been filed to set aside the fair and decreetal order passed in I.A.No. 1 of 2019 in O.S.No.296 of 2016 dated 03.01.2020 on the file of the Principal Sub Court, Tenkasi.

2. The respondent filed the suit against the petitioner for recovery of money in O.S.No.296 of 2016. In that suit, ex-parte decree was passed on 01.09.2018. The petitioner is the defendant in the suit. There is a delay of 350 days in filing the petition to set aside the ex-parte decree. Therefore, the petitioner has filed I.A.No. 1 of 2019 to condone the delay of 350 days in filing petition to set aside the ex-parte decree. The said petition was dismissed by the trial court. Challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that though ex-parte decree was passed on 01.09.2018, he was not aware about the ex-parte decree till 2019 and the counsel engaged by him has not informed about the ex-parte decree to him. Therefore, he could not file the petition to set aside the petition in time and the delay is neither willful nor wanton.

4. Heard the learned counsel for the petitioner and perused the materials available on record.



5. On a perusal of records, it is seen that the petitioner is working as Principal in TDTA Primary School. If at all the counsel has not informed about passing of ex-parte decree, the petitioner could have got information through phone or any communication, which is available nowadays. Non filing of petition to set aside the ex-parte decree in time would show that the petitioner has not taken effective steps in knowing the stage of the proceedings filed before the court. The reasons stated by the petitioner are not satisfactory. The trial court has rightly dismissed the petition filed to condone the delay in filing set aside application. This Court does not find any perversity in the order passed by the trial court. There is no merit in the revision.

6. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (Crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

CM
To,
The Principal Sub Court, Tenkasi.

+1 CC to M/s.M.SURESH KUMAR, Advocate (SR-10857[F] dated 10/03/2020

C.R.P(MD) No.199 of 2020
and C.M.P(MD) No. 1171 of 2020
09.03.2020

SMA/20/03/2020/2P/3C