



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CRP(MD) .Nos.112 and 113 of 2018

and

C.M.P(MD) .No.494 of 2018

A.C.Kamaraj : Petitioner/Petitioner/Respondent/
Defendant in both petitions

Vs.

D.Manimekalai : Respondent/Respondent/Petitioner/
Plaintiff in both petitions

COMMON PRAYER : Petitions are filed under Article 227 of the Constitution of India, to direct the learned I Additional Sub-Court, Madurai to number I.A.Nos.SR15462 and 15463 of 2009 in I.A.No.132 of 2003 in O.S.No.6 of 1987 and adjudicate the issue on merits by allowing this civil revision petition.

In both petitions

For Petitioner : No appearance

For Respondent : Mr.J.Barathan

COMMON ORDER

These two civil revision petitions are filed against two interlocutory applications, which are not taken on file by the Court below for setting aside the final decree and also for condoning the delay for setting aside the final decree.

2.There is no representation for the revision petitioner.

3.The learned counsel for the respondent herein made a statement as below:

i) The respondent had laid O.S.No.6 of 1987 for recovery of mortgage money, in which, the revision petitioner has filed his written statement. But let the suit decreed ex-parte twice on 04.01.1981 and again on 19.07.1990. Both these ex-parte decrees were set aside and the trial took place and final decree came to be passed on 16.4.1986. Thereafter, he preferred A.S.no.49 of 1997 challenging the preliminary decree, which came to be dismissed for default twice, first time on 15.09.1999 and second occasion on 05.02.2001. Petition to restore the appeal with the another application in I.A.No.250 of 2007 to condone the delay of 2393 days in representing were filed. The condone delay application came to be dismissed. Challenging which, he preferred civil revision petition before this Court.



ii) This civil revision petition was returned for certain defects and for representing the same he said to have filed civil miscellaneous petition to condone the delay of 3170 days. In the meantime, final decree in the suit was passed on 21.10.2002. E.P.No.287 of 2006 was laid in which the petitioner himself participated through his counsel, he did not file his objection despite he being granted nine adjournments and finally the property ordered to be sold. He further stated that in the auction sale, revision petitioner/defendant's son himself participated and became the successful bidder and paid the entire auction amount.

4.This Court merely has recorded what this Court was informed by the learned counsel for the revision petitioner but broadly, it can be said for today, these Civil Revision Petitions are dismissed for default. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk/cm

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To

The I Additional Sub-Court, Madurai.

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ARK (CO)
CS (11.11.2020) 2P 2C