



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2020

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD)No. 515 of 2015(NPD)

The Agasteeswaram Co-operative Primary
Agricultural and Rural Development Bank Limited,
Rep. By its Secretary,
Hindu College Road, Nagercoil,
Agasteeswaram Taluk,
Kanyakumari District. ... Petitioner/Petitioner/Respondent

vs.

Bella Wilson ...Respondent/Respondent/Petitioner

PRAYER: Petition filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order passed in I.A. No.129 of 2014 in Redemption O.P. No.1 of 2003, dated 26.11.2014 on the file of the Principal Subordinate Court, Nagercoil and allow the same as prayed for.

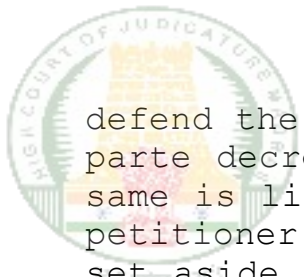
For Petitioner : Mr.K. Vamanan
For Respondent : Mr.P.Thirumahilmaran

O R D E R

The Civil Revision Petition has been filed to set aside the fair and decreetal order passed in I.A. No.129 of 2014 in Redemption O.P. No.1 of 2003, dated 26.11.2014 on the file of the Principal Subordinate Court, Nagercoil, for condonation of delay of 3637 days in filing exparte order in Redemption Petition No.1 of 2003.

2. I heard Mr.K. Vamanan., learned counsel appearing for the revision petitioner and Mr.P.Thirumahilmaran, learned counsel for the respondent and perused the material documents available on record.

3. The learned counsel appearing for the revision petitioner would submit that the revision petitioner/Co-operative Society had received Court summon and engaged a counsel to defend the case, but the said counsel and the then Board of Directors colluded with the respondent and had not filed counter and other documents to



defend the case. He would further submit that, therefore, the ex-parte decree obtained by the respondent herein is illegal and the same is liable to be set aside. He would further submit that the petitioner properly explained the reason for delay of filing the set aside the ex-parte decree in Redemption Petition No.1 of 2003 and therefore, the order passed by the Court below is liable to set aside and give a chance to the petitioner to contest the suit on merit. Hence, he prayed to allow the instant Civil Revision Petition.

4. It is seen from the records that the delay is inordinate delay. The reason for the delay in filing the redemption petition is that the exparte order came to the knowledge of the revision petitioner only on 05.07.2013 and decree copy was also not furnished to him. Though, Court notice was served on him, he has not followed his case. Each and every day delay should be explained. But, not stated sufficient and proper reason for condoning the delay of 3637 days in filing the petition. Therefore, this Court is not inclined to allow the petition.

5. Accordingly, this Civil Revision Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar (CS)

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To

1) The Principal Subordinate Judge, Nagercoil.

2) The Section Officer-2 copies

V.R.Section,

Madurai Bench of Madras High Court,

Madurai.

Order made in
C.R.P. (MD)No.515 of 2015(NPD)
08.12.2020

SE (CO)

KM (15.12.2020) 2P 4C