

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.Nos.4345 & 4346 of 2015

CRP.NPD.No.4345 of 2015

Nirmala Kumari

..Petitioner

Vs.

1.Vandavasi Sambuvarayar Educational Trust,
Represented by its Managing Trustee,
Melmaruvathur Road,
Birundur 604 408,
Vandavasi Taluk,
Tiruvannamalai District

2.M.Durai

..Respondents

PRAYER:

The Civil Revision Petition is filed under Section 115 of CPC against the fair and decreetal order of the XVI Additional City Civil Court at Chennai dated 30.01.2015 passed in IA.No.93 of 2013 in IA.No.41 of 2013 in OS.No.10137 of 2010 dismissing the petition.

For Petitioner : Mr.Krishna Ramanujam

For Respondents

For R1 : Mr.N.Dorai Kannan

For R2 : Mr.D.Vishnu Varadhan
for Mr.A.E.Ravichandran

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1.Vandavasi Sambuvarayar Educational Trust,
Represented by its Managing Trustee,
Melmaruvathur Road,
Birundur 604 408,
Vandavasi Taluk,
Tiruvannamalai District

2.M.Durai

..Respondents

PRAYER:

The Civil Revision Petition is filed under Section 115 of CPC against the fair and decreetal order of the XVI Additional City Civil Court at Chennai dated 30.01.2015 passed in IA.No.94 of 2013 in IA.No.42 of 2013 in OS.No.10137 of 2010 dismissing the petition.

For Petitioner : Mr.Krishna Ramanujam

For Respondents

For R1 : Mr.N.Dorai Kannan

For R2 : Mr.D.Vishnu Varadhan

for Mr.A.E.Ravichandran

COMMON ORDER

These civil revision petitions are filed as against the fair and decreetal order of the XVI Additional City Civil Court at Chennai dated 30.01.2015 passed in IA.No.93 of 2013 in IA.No.41 of 2013 in OS.No.10137 of 2010 and the fair and decreetal order of the XVI

Additional City Civil Court at Chennai dated 30.01.2015 passed in IA.No.94 of 2013 in IA.No.42 of 2013 in OS.No.10137 of 2010.

2. The petitioner is the plaintiff. The petitioner filed suit as against the respondents herein for recovery of money. Thereafter, the petitioners failed to appear before the trial court. Therefore, the suit itself was dismissed for default on 04.07.2011. Thereafter the petitioner filed petition to restore the suit with the delay of 151 days in filing the restoration petition. Both the petitions were numbered as IA.Nos.41 and 42 of 2012. In both the petitions, the respondents filed counter and when the matter was posted for enquiry, the petitioner was again absent before the trial court. As such both the petitions were dismissed. Thereafter, the petitioner filed petition to restore the restoration petition with the delay of 548 days.

3. On perusal of the affidavit filed in support of the condone delay petition revealed that the petitioner wrongly noted the hearing date and as such she was not present on the date of dismissal of the restoration petition. Thereafter the petition to restore the suit and also condone delay petition were dismissed. Therefore, there is a delay of 548 days. If the petitioner wrongly noted the hearing date and thereafter she did not appear before the trial court and did not even

enquire what happened to the matter, that too in the petition to restore the suit. Therefore, there is absolutely no reasons stated by the petitioner to condone the delay of 548 days in filing the petition to restore the restoration petition. Therefore, the court below rightly dismissed both the petitions and this Court finds no irregularity or infirmity in the orders passed by the court below.

4. Accordingly, these civil revision petitions are dismissed. No order as to costs.

19.02.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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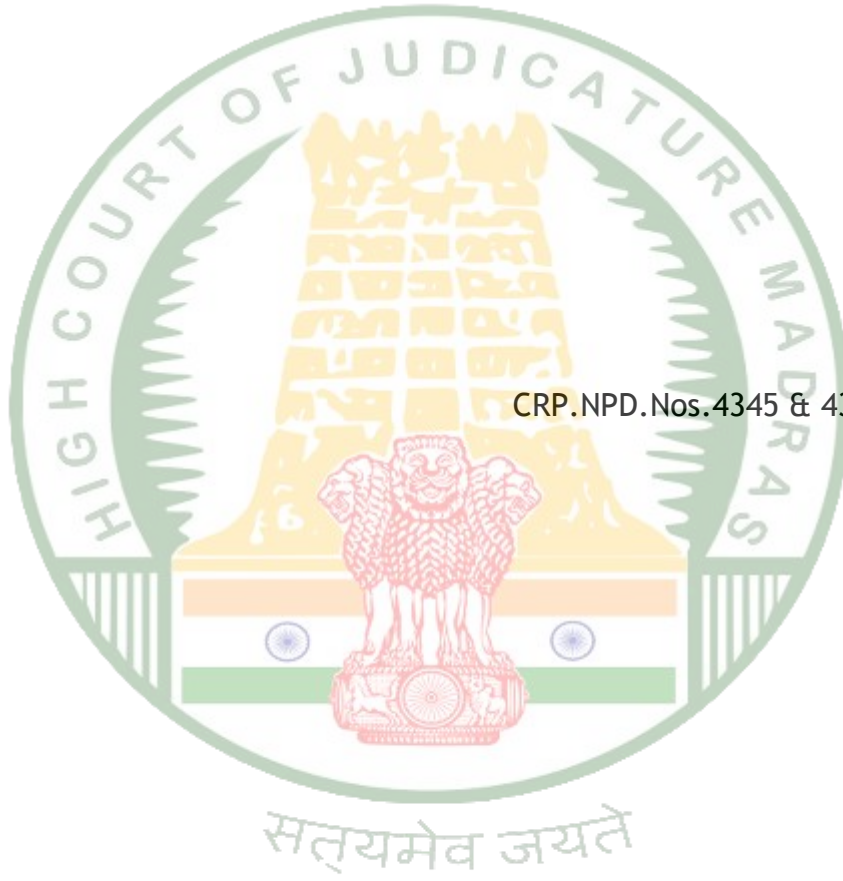
The XVI Additional Judge,
City Civil Court, Chennai



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G.K.ILANTHIRAIYAN,J.

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