

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2021

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.4718 of 2015

K.Parameswaran ... Petitioner/Defendant

Vs.

J.M.Ravi ... Respondent/Plaintiff

PRAYER : The Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order made in I.A.No.145 of 2014 in O.S.No.79 of 2010 dated 06.10.2015 on the file of the Subordinate Judge, Rasipuram.

For Petitioner : Mr.R.Thiagarajan

For Respondent : Mr.T.Dhanyakumar

ORDER

(Heard through video conferencing)

This civil revision petition has been filed praying to set aside the order and decretal order dated 06.10.2015 passed in I.A.No.145 of 2014 in O.S.No.79 of 2010 on the file of the Subordinate Judge, Rasipuram, thereby allowing the present revision petition.

2. There is no representation for the petitioner. However, the learned counsel for the respondent is present and submitted his arguments.

3. The civil revision petitioner being the defendant in the suit has filed this petition to condone the delay of 553 days in filing the petition to set aside the *exparte* decree passed on 10.09.2012. The reason stated by the petitioner is that he was engaged in contract work in Chennai and hence he could not receive any information from his counsel with regard to the stage of the case. It is seen from the order of the Trial Judge that during the earlier occasion also the petitioner remained *exparte* and *exparte* order was passed. Subsequently, the petitioner has filed the petition and got it set aside. The matter stood without the cross examination of P.W.1 for several hearings. Even after the petitioner was given with an opportunity by setting aside the earlier *exparte* order, he did not choose to cross examine P.W.1. Instead, he has filed a petition to know the age of the stamp affixed on the suit promissory note and a petition to send the thumb impression and promissory note to handwriting expert and get his opinion.

4. It is submitted by the learned counsel for the respondent/plaintiff that the report of the handwriting expert confirms the identical nature of the thumb

impression.

5. All these things would have definitely be within the knowledge of the petitioner and he should have been vigilant in conducting the case by cooperating with the Court. The conduct of the petitioner/defendant would show that he was in the habit of dragging on the matter on some pretext or other. Even now, he has not stated any acceptable reason for condoning the delay of 553 days. The learned Trial Judge has appreciated the merits of the petition and rightly dismissed the same. Hence, I do not find any reason to interfere with the order of the Trial Court.

6. In the result, the Civil Revision Petition is dismissed. No costs.

09.04.2021

Speaking/Non-speaking
Index : Yes/No

Sni

To

1.The Subordinate Judge,
Rasipuram.

2.The Section Officer,
V.R.Section,
High Court, Madras.

R.N.MANJULA,J.

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