

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2021

Coram

The Hon'ble Mr. Justice C.V.KARTHIKEYAN

C.R.P.No.874 of 2021
and
C.M.P.No.7436 of 2021

D.Shanmugam ... Petitioner/Appellant//Petitioner
Vs
T.Rajendran ...Respondent/Respondent/Respondent

Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the fair and decreetal order dated 12.03.2021 passed in I.A.No.36 of 2020 in A.S.Sr.No.74890 of 2018 on the file of the Principal Judge, City Civil Court, Chennai.

For Petitioner ... Mr.Govi Ganesan
For Respondent ... Inamdar Ameenur Rahman

ORDER

This Revision Petition has been filed questioning the order passed in I.A.No.36 of 2020 in A.S.Sr.No.74890 of 2018 which order dated 12.03.2021 was passed by the learned Principal Judge, City Civil Court, Chennai.

2.The A.S.Sr.No.74890 of 2018 had been filed by the defendant in O.S.No.7006 of 2014 who suffered a judgment and decree in a suit filed for recovery of money. Execution Petition had also been filed. Thereafter, the First Appeal had been filed and the present application had been presented to condone the delay in re-presentation.

3.The learned Judge had given a breathing line for the present petitioner, by directing him to deposit a sum of Rs.20,000/- towards the decreetal amount in the Court. It is seen that the said condition was not complied with. The order was passed on 24.02.2021 and time was given till 11.03.2021. The matter was again posted on 12.03.2021. On 12.03.2021, there was

no representation on behalf of the petitioner or by his counsel and since the condition had not been complied, the petition to condone the delay in re-presenting the appeal came to be dismissed.

4.Questioning that particular order, the present Civil Revision Petition has been filed under Section 115 of the Code of Civil Procedure, 1908.

5.By way of an amendment the scope of a Revision Petition under Section 115 of CPC had been narrowed down and patent illegality in an order cannot be questioned by way of revision.

6.It is seen that the petitioner had questioned the order directing him to deposit a sum of Rs.20,000/- in the Court as a pre-condition for condoning the delay. It is seen that he had not complied with the said condition. It is also seen that the petitioner was not interested in appearing before the Court. The counsel also not appear before the court on behalf of the petitioner.

7.The Court has no other option but to dismiss the revision.

8.The Revision Petition is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

9.Mr.Inamdar Ameenur Rahman, had entered appearance as caveator but was not called.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

smv

To

The Principal Judge,
City Civil Court, Chennai.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.24848

+1cc to Mr.Inamdar Ameenu Rahman, Advocate, S.R.No.24594

C.R.P.No.874 of 2021

NR(CO)
CB(07/07/2021)