

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2021

CORAM

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

CRP.PD.No.3887 of 2016 and
CMP.No.19796 of 2016

1.Vijaya
2.M.Kamaraj
3.M.Ravichandran
4.M.Balaji

..Petitioners

Vs.

E.Prabavathy

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the return of applications by the Hon'ble XIVth Assistant Judge, City Civil Court, Chennai in un-numbered I.A.SR.No.33349 dated NIL in OS.No.3074 of 2013 returned on 28.09.2016.

For Petitioners : Mr.G.T.Subramanian

For Respondent : Mr.D.Dharamachan Jain

ORDER

This Civil Revision Petition is arising out of return of applications by the learned XIVth Assistant Judge, City Civil Court,

Chennai in un-numbered I.A.SR.No.33349 dated NIL in OS.No.3074 of 2013 returned on 28.09.2016.

2. The petitioners are the defendants. The suit was filed by the respondent for partition. In the said suit, the petitioners filed written statement and thereafter they failed to appear before the trial court. Therefore, they were set ex-parte. The respondent also filed petition for final decree in IA.No.933 of 2016. After filing the final decree application, the petitioners filed petition to set aside the exparte decree with a delay of 494 days in filing the petition for setting aside the exparte decree.

3. On perusal of the affidavit filed in support of the petition to condone the delay, they did not even state any sufficient reason to condone the delay of 494 days. Admittedly, they filed written statement and thereafter failed to appear before the trial court. Therefore, the trial court decreed the suit by judgment and decree dated 07.04.2015. After filing final decree application, the petitioners came forward with the petition to set aside the exparte decree. Therefore, the court below rightly rejected the petition and this Court finds no infirmity or irregularity in the order passed by the court below.

4. Accordingly, the civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

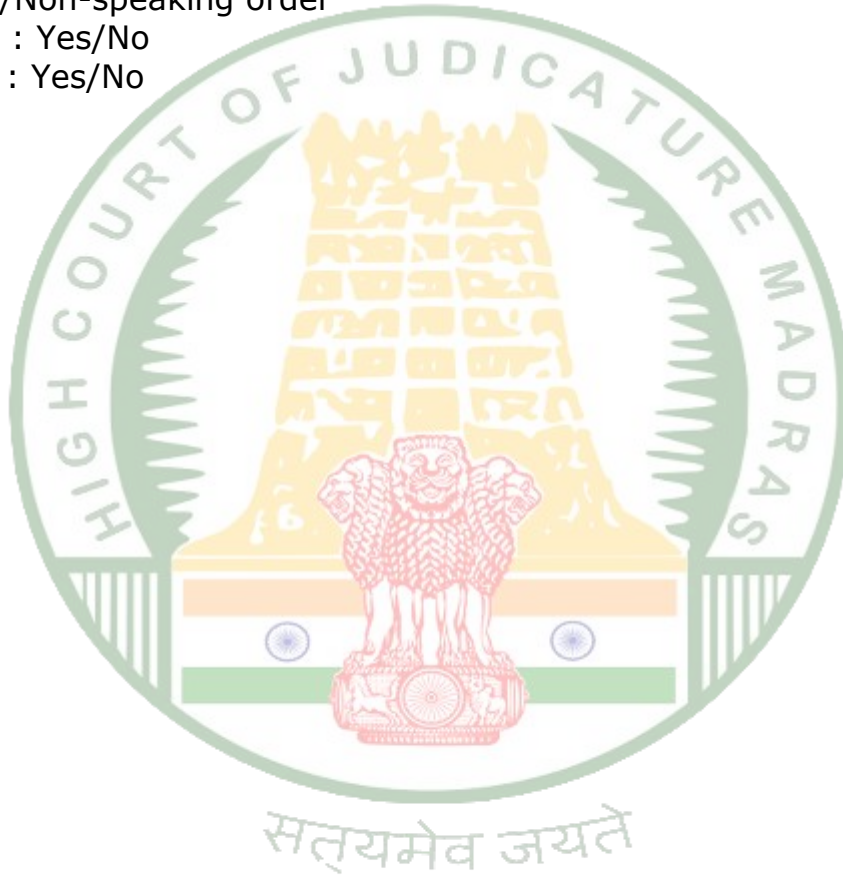
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Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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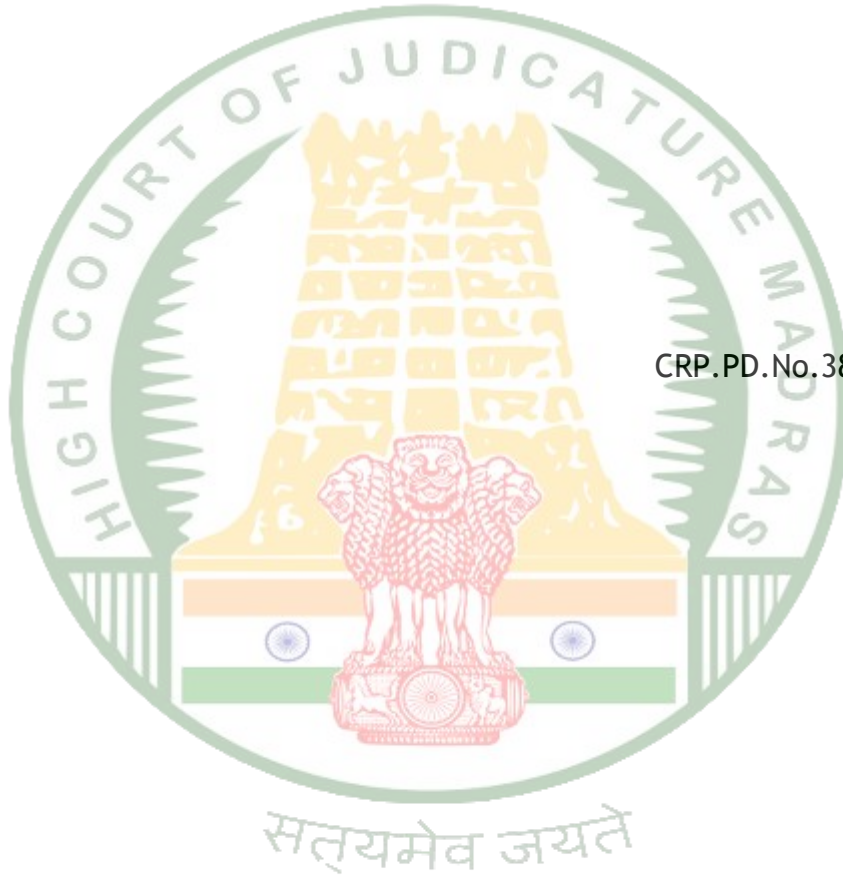
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G.K.ILANTHIRAIYAN,J.

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To

The learned XIVth Assistant Judge,
City Civil Court, Chennai



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