

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

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

CRP.NPD.No.4786 of 2014

Ravindran

..Petitioner

Vs.

1.Yasothammal

2.C.Bhuvaraghavan

..Respondents

PRAYER:

The Civil Revision Petition is filed under Section 115 of CPC against the decree and decreetal order passed in I.A.No.687 of 2014 in OS.No.269 of 2012 dated 10.07.2014 on the file of Principal District Munsif Court, Tirupattur.

For Petitioner : Mr.P.Ganapathy

For Respondents

R1 : Dismissed vide court
order dated 31.07.2018

For R2 : Mr.G.Jeremiah

ORDER

This civil revision petition is filed against the decree and decreetal order passed in I.A.No.687 of 2014 in OS.No.269 of 2012 dated 10.07.2014 on the file of Principal District Munsif Court, Tirupattur thereby dismissing the petition to condone the delay of 376 days in filing the petition to set aside the exparte decree.

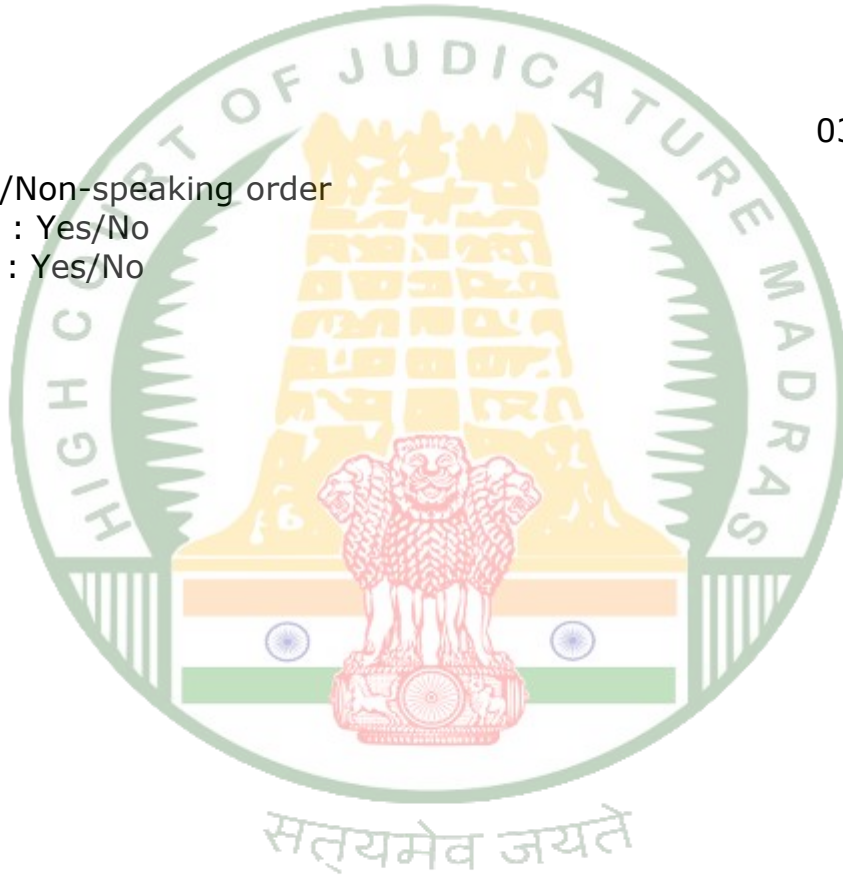
2. The petitioner is the second defendant in the suit filed by the first respondent herein for declaration and injunction. Thereafter, though the petitioner engaged counsel, did not choose to file any written statement. Therefore, the petitioner was set exparte on 19.03.2013. Thereafter, the petitioner also filed suit for partition in respect of very same property which is the subject property of the suit in OS.No.269 of 2012 before the Sub Court, Tirupattur in OS.No.22 of 2013. In fact, the second respondent who is the first defendant in the suit filed by the first respondent herein also filed maintenance case as against the first respondent herein in MC.No.15 of 2013 before the Judicial Magistrate No.I, Tirupattur. All the Sub Court as well as Judicial Magistrate Court No.I also situated at same campus in the combined court building at Tirupattur. In fact, the petitioner also stated the pendency of the present suit in the suit filed by him in OS.No.22 of 2013 as such the petitioner had full knowledge about the exparte decree passed in the present suit. Though the petitioner produced medical records, all the records pertaining to before passing the exparte decree on 19.03.2013. Therefore, the petitioner failed to show sufficient cause for the delay of 376 days in filing the set aside the exparte decree petition. As such, the court below rightly dismissed the petition and

this Court finds no irregularity or infirmity in the order passed by the court below.

3. Accordingly, this civil revision petition is dismissed. No order as to costs.

03.03.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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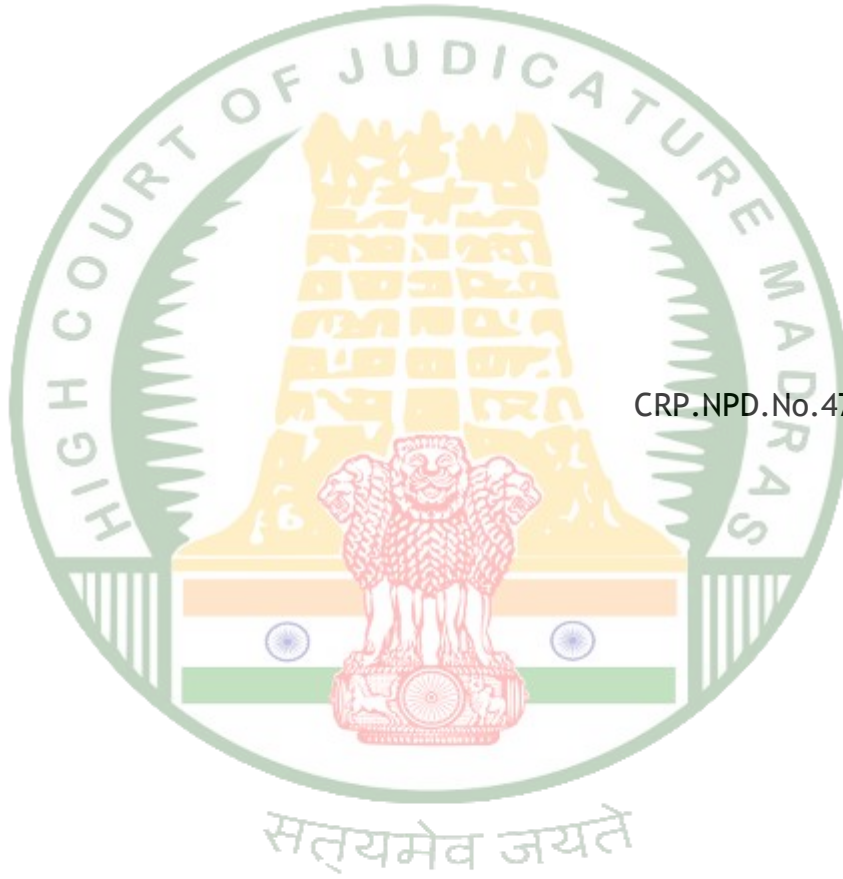
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G.K.ILANTHIRAIYAN,J.

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To

The Principal District Munsif,
Tirupattur.



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