



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP NO.2701 OF 2021

AND

CMP NO.19833 OF 2021

Eswari

... Petitioner

Vs

1. Sakthivel

Chinnappagounder (Died)

2. Rukmani

... Respondents

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Final Order dated 13.09.2021 made in I.A.No.100 of 2020 in O.S.No.216 of 1999 on the file of the District Munsif Court, Madathukulam.

For Petitioner : Mr.V.Anandhamoorthy
for Mr.D.R.Arun Kumar

O R D E R

The 3rd defendant in the suit in O.S.No.216 of 1999, who had suffered an exparte decree in the year 2002 is on revision. Challenging the order of the trial Court dismissing her application for condonation of delay of 4980 days in filing an application to set aside the exparte decree.

2.The exparte decree was passed on 04.04.2002. The petitioner in her affidavit filed in support of the application had averred that she was not served with any notice in the suit and she came to know about the exparte decree only upon service of notice in the final decree proceedings. The said claim was resisted by the plaintiff contending that the petitioner was served with notice in the suit and she remained exparte. A totally unbelievable claim was made by the plaintiff that she



underwent treatment for Jaundice for three years at Palakkad. The trial Court after examining the records in the suit concluded that the reasons assigned by the plaintiff are false. The trial Court found from the suit records that the trial Court had recorded that the 3rd defendant/petitioner herein was served on 28.01.2000.

3. Therefore, the reason assigned by the plaintiff to the effect that she was not served with notice in the suit is clearly false. The power of condonation of delay is vested in Courts to do justice and not to lend a helping hand to litigants, who come to Court with false statements. If the claim of the litigant is found to be malafide or false, an application for condonation of delay will have to be rejected.

4. The trial Court had rightly rejected it and I do not see any reason to interfere with the said conclusion of the trial Court. The revision therefore fails and it is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vs

To:

1. The District Munsif,
Madathukulam.

+1cc to Mr.D.R.Arun Kumar, Advocate, S.R.No.64546

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KSM(CO)
PM/27/12/2021