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C.R.P.(NPD).No.2552 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(NPD).No.2552 of 2021

and

C.M.P.No.19035 of 2021

1.Sri Ponmagal Textiles,
rep. by its Partner,
V.Palanisamy,
S/o Velusamy
Door No.198, 199, Trichy Road, Ondipudhur,
Coimbatore.

2.V.Palanisamy

3.Kavitha

.. Petitioners

Vs.

V.Rangaraj

.. Respondent

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, praying to set aside the order dated 14.09.2021 made in E.A.No.350 of 2018 in E.P.No.2 of 2018 in RCOP.No.55 of 2010 on the file of Principal District Munsif Court, Coimbatore.

For Petitioners : Mr.P.Saravana Sowmiyan



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ORDER

Challenge in this Revision is to the order dismissing the application seeking to set aside the exparte order dated 26.09.2018 made in E.P.No.2 of 2018.

2. The said execution petition was filed by the landlord seeking execution of eviction order passed in RCOP.No.55 of 2010. The petitioners were served with notice and they were appearing through counsel. Thereafter, they terminated the authority of the counsel and they appeared in person. They were set exparte for not filing counter on 26.09.2018. The petitioners filed the instant application seeking to set aside the exparte order on 04.12.2018.

3. The learned Principal District Munsif dismissed the application on the ground that it is beyond time and no application for condonation of delay has been filed. This being a factual position, I do not find any reason to interfere with the order of the learned Principal District Munsif. Admittedly, the application was filed beyond 30 days. Even assuming that Section 5 could be invoked, no application for condonation of delay was



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filed by the petitioners.

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4. Hence, I do not find any fault with the Executing Court dismissing the application seeking to set aside the exparte order. Therefore, the Revision fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

25.11.2021

dsa

Index : No

Internet : Yes

Speaking order

To

The Principal District Munsif Court, Coimbatore



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R.SUBRAMANIAN, J.

dsa

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