



CRP (PD) No.2669 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) No.2669 of 2021
and CMP No.19660 of 2021

Ranganayaki

... Petitioner

Vs

1. Krishnan

2. Muruganantham

3. Ganeshbabu

... Respondents

Prayer: The Civil Revision petition filed under Article 227 of Constitution of India, against the fair and decreetal order, dated 04.09.2021 made in IA No.534 of 2016 in O.S.No.168 of 2016 on the file of the District Munsif, Dharmapuri.

For Petitioner : Mr.V.R.Annagandhi



CRP (PD) No.2669 of 2021

ORDER

The challenge in this revision is to an order of the learned District Munsif, Dharmapuri made in IA No.534 of 2018 in O.S.No.168 of 2016, an application seeking condonation of delay of 290 days in filing the application seeking to set aside the exparte decree.

2. The respondents herein who are the defendants in the suit sought condonation of delay on the ground that the 1st defendant who was taking care of the suit was infected with viral fever and was bed ridden for quite sometime. When he met his counsel in June 2018 after recovery, he was informed that the suit was decreed exparte on 18.08.2017. The application was resisted on the ground that the defendants as plaintiffs were prosecuting the suit filed by them in O.S.No.179 of 2016 and that the reason assigned in the affidavit is not true.

3. The learned trial Judge considered the said contention and held that that cannot be a ground to refuse condonation of delay as the defendants as plaintiffs in the said suit were not required to do anything further for prosecution of the suit and they were represented by their counsel.



CRP (PD) No.2669 of 2021

Therefore, I do not find any material irregularity or illegality in the order of the trial Court to enable interference. The Revision therefore fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.12.2021

vum

Index: Yes/No

Speaking order / Non speaking order

To:

The District Munsif, Dharmapuri.



WEB COPY



CRP (PD) No.2669 of 2021

R.SUBRAMANIAN, J.

vum

CRP (PD) No.2669 of 2021
and CMP No.19660 of 2021

06.12.2021