

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.1235 of 2017

and

CMP.No.5826 of 2017

Asha A.Murarka

...

Petitioner

Vs.

M/S.S.G. Builders,
Rep. By its Proprietor
Mr.S.Ganesan

...

Respondent

PRAYER : The Civil Revision Petition filed under Section 115 of the Civil Procedure Code, against the order and decretal order dated 07.03.2017 passed in I.A.No.4751 of 2016 in O.S.No.2904 of 2001 on the file of the IV Additional Judge, City Civil Court, Madras and praying to set aside the same.

For Petitioner : M/S.S.Dhassaiya

For Respondent : No appearance

ORDER

(Heard through video conferencing)

This Civil Revision Petition has filed against the order of the learned IV Additional Judge, City Civil Court, Madras, dated 07.03.2017 passed in

I.A.No.4751/2016 in OS.No.2904/2001.

2. The Petitioner is the defendant in the suit. He has filed a petition for condoning the delay of 2124 days in filing the petition to set aside the exparte decree and judgment dated 30.04.2010 in O.S.No.2904/2001. The learned trial Judge has passed a conditional order that the inordinate delay would be condoned if the petitioner pays 50% of the decree amount. The learned trial Judge has made an observation about the conduct of the petitioner that he had been watching the proceedings and allowed it to be decreed exparte and thereafter filed a petition to set aside the decree with the delay of 2124 days.

3. Having heard the matter at length, the learned trial Judge has passed a well considered conditional order to condone the inordinate delay of 2124 days and balanced the interest of both the respondent and the petitioner. Hence, I feel no valid ground to admit the Civil Revision Petition itself.

In the result the present Civil Revision Petition is **dismissed** and the order of the learned IV Additional Judge, City Civil Court, Madras, dated 07.03.2017 passed in I.A.No.4751/2016 in OS.No.2904/2001, is hereby confirmed. No costs. Consequently, connected Civil Miscellaneous Petition in CMP.No.5826 of 2017, is also closed.

26.07.2021

Internet : Yes/No

jrs<https://www.mhc.tn.gov.in/judis/>

To

1.The IV Additional City Civil Court, Madras.

2.The Section Officer,
V.R.Section,
High Court, Madras.

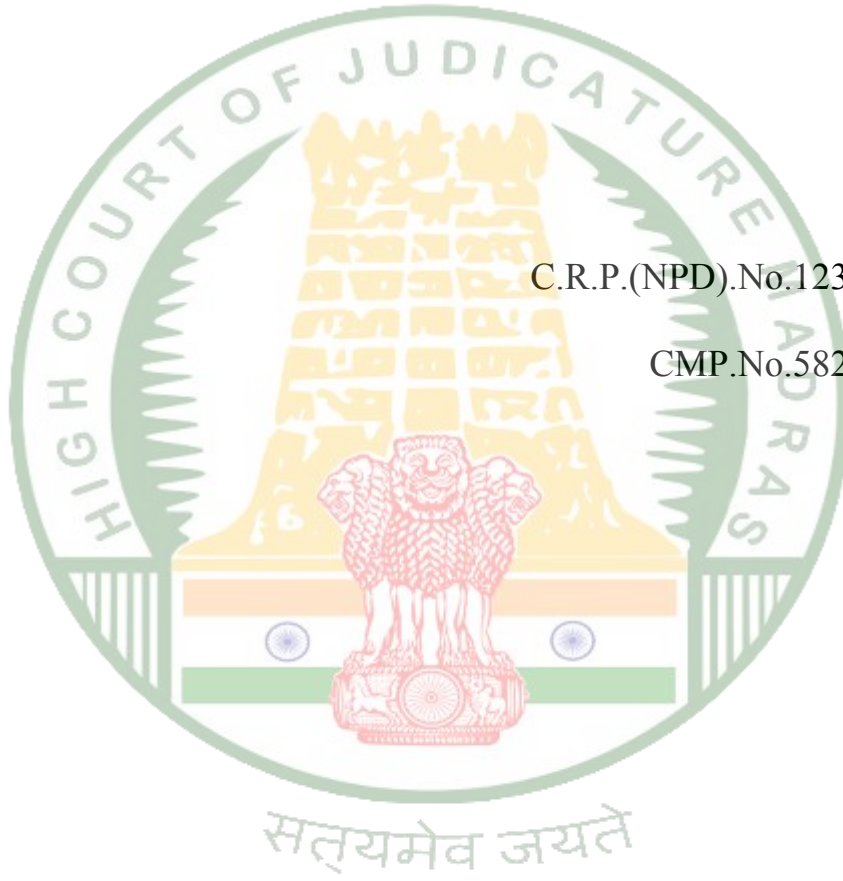


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CRP.NPD.No.1235/2017

R.N.MANJULA,J.

jrs



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