

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2021

CORAM

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

C.R.P.(NPD).No.1635 of 2017
and C.M.P.No.7725 of 2017

Mr.Kabir

... Petitioner/Judgement Debtor/Defendant

Vs.

National Missionary Society of India,
Rep. by its General Manager,
Mr.Sureshraj,
having office at No.126, Peters Road,
Royapettah,
Chennai – 600014.

... Respondent/Decree Holder/Plaintiff

Prayer: This Civil Revision Petition is filed under Section 115 of C.P.C., praying to set aside the Order and the Decretal Order dated 31.08.2016 passed by the Additional District Munsif Judge, Tiruppattur, in E.A.No.91 of 2016 in E.P.No.130 of 2015 in O.S.No.149 of 2014.

For Petitioners : Mr.K.Felix Dil Kumar

For Respondent : Mr.Caldwell Justine

ORDER

(Heard through video conferencing)

This Civil Revision Petition has been filed against the Order dated 31.08.2016 passed by the Additional District Munsif Judge, Tiruppattur, in

E.A.No.91 of 2016 in E.P.No.130 of 2015 in O.S.No.149 of 2014.

2. The learned counsel for the petitioner submitted that the bundle has been misplaced and the arguments cannot be submitted.

3. The learned counsel for the respondent submitted that the petitioner is involved in delay making tactics and he protracts the case proceedings in some way or other. The petitioner was given with the official quarters while he was in service. Since the petitioner did not vacate the same even after he attained the age of superannuation after he retired on 31.12.2012, the respondent/plaintiff has filed the Suit for eviction. Since the Civil Revision Petitioner has not chosen to appear before the Trial Court, an *exparte* Decree has been passed in the same.

4. Obviously, when his service period gets over, his entitlement to occupy the staff quarters will also cease to exist. Despite that he pulled on the time and continued to occupy the quarters for nearly 8 to 9 years subsequent to his retirement. This would impair the entitlement of the in-service staff who might wait to get a staff quarters. Even during the execution proceedings, he did not make his appearance and after an *exparte* Order was passed, he once again filed a petition to condone the delay in setting aside the *exparte* Decree. The very conduct of the revision petitioner would show that he does not have a case and he has to vacate the premises forthwith. Hence, I find no reason to interfere with the

Order of the Lower Court in dismissing the petition to condone the delay of 63 days in filing the petition to set aside the *exparte* Decree in the Execution Petition.

In the result, this Civil Revision Petition is dismissed and the Order dated 31.08.2016 passed by the Additional District Munsif Judge, Tiruppattur, is confirmed. Since nothing prevents the Executing Court to proceed with the execution proceedings and the matter is also long pending, it is desirable that the Executing Court expedites the proceeding and disposes it at the earliest. No costs. Connected civil miscellaneous petition is closed.

30.07.2021

Speaking/Non-speaking
Index: Yes/No

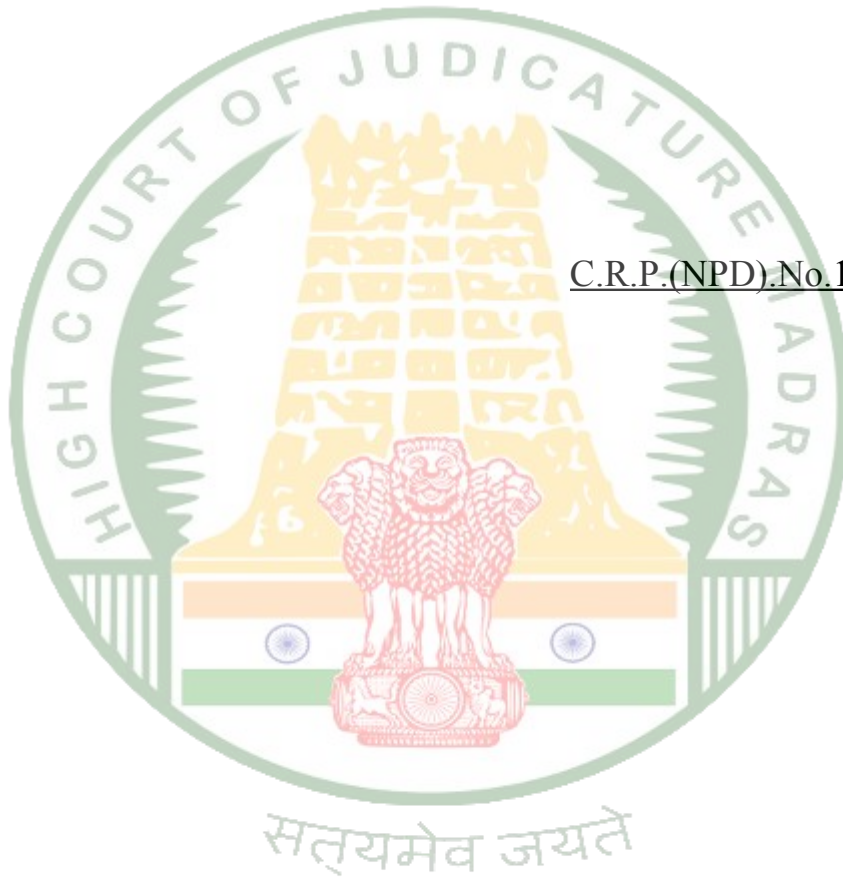
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To

- 1.The Additional District Munsif Judge,
Tiruppattur.
- 2.The Section Officer,
V.R.Section,
High Court, Madras.

R.N.MANJULA,J.

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