

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

The Hon'ble Mr.Justice Krishnan Ramasamy

CRP (NPD)No.4800 of 2017

and

C.M.P.No.22614 of 2017

S.Selvaraj

.. Revision Petitioner/petitioner/defendant

vs.

E.Balasubramani

..Respondent/Respondent/Plaintiff

PRAYER:

Civil Revision Petition filed under Article 115 of the Code of Civil Procedure against the fair and decreetal order, passed in I.A.No.8801 of 2017, in O.S.No.1604 of 2011, dated 25.07.2017, on the file of the II Assistant Judge, City Civil Court, Chennai.

For Revision Petitioner - Mr.PA.Sudesh Kumar

ORDER

The defendant in O.S.No.1604 of 2011 is the revision petitioner herein. The suit filed by the respondent herein was decreed in his favour, and in the said suit, the revision petitioner/defendant was set exparte. To put the decree into execution, the respondent/decreed-holder filed an Execution

Petition, in E.P.No.40 of 2012. At such point of time, the revision petitioner/judgement debtor taken out two interlocutory applications, viz., I.A.No.8801 and 8802 of 2017, one for condonation of delay in filing the Interlocutory Application to set aside the exparte decree passed against him and another to stay the execution proceedings in E.P.No.40 of 2012. Both the interlocutory applications were dismissed by the Court below. Challenging the order passed in the application for condonation of delay in I.A.No.8801 of 2017, the present Civil Revision Petition was filed by the revision petitioner/ judgment-debtor.

2. The Civil Revision Petition was filed in the year 2017. It is manifest from the records that the matter came up for first hearing on 02.01.2018. Subsequently, it was listed on 08.01.2018, on which date, at the request of the learned counsel for the respondent, the matter was adjourned by four weeks. Thereafter, the matter was listed on 17.07.2018. On the said date, this Court passed an order, directing the Trial Court to proceed with the case in accordance with law, without waiting for the result of this Civil Revision Petition and the copy of the order was also directed to

be communicated to the Court below. Thereafter, the matter is listed today (02.09.2021) under the caption “Adjourned Admission”. When the matter is taken up for hearing, none appeared on behalf of the revision petitioner. Thus, it appears that the learned counsel for the revision petitioner is not interested in prosecuting the case and his only intention is to protract the execution proceedings by not allowing the plaintiff/decreed holder to relish the fruits of the decree. This Court is not inclined to keep the matter pending and encourage such sort of dilatory tactics to be adopted by the counsel in contesting the matter.

3. In the result, this Civil Revision Petition is dismissed for non prosecution. Consequently, connected miscellaneous petition is closed. No costs.

सत्यमेव जयते

02.09.2021

Index: Yes/No
Speaking/Non-speaking Order
sd

**Note : Registry is directed to communicate
the copy of the order to the Court below
on or before 09.09.2021.**

Krishnan Ramasamy, J.,
sd

To

The II Assistant Judge, City Civil Court, Chennai.



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