

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P (NPD).No.3954 of 2018

and

C.M.P.No.21933 of 2018

Raji Petitioner

Vs.

Sivalingam ... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 27.06.2018 passed by the Principal District Judge, Krishnagiri in I.A.No.2 of 2018 in Unnumbered A.S and allow the revision with cost throughout.

For Petitioner : No Appearance

For Respondent : No Appearance

ORDER

This Civil Revision Petition is filed as against the fair and decretal order passed in I.A.No.2 of 2018 in Unnumbered A.S dated 27.06.2018 on the file of the learned Principal District Judge, Krishnagiri, thereby dismissing the petition to condone the delay in filing the Appeal Suit.

2. The petitioner is the defendant and the respondent is the plaintiff.

The respondent filed a suit for recovery of money on the strength of the pro note. After contest, the suit was decreed in favour of the respondent. In pursuant to the decree, the respondent filed an Execution Petition in R.E.P.No.31 of 2016. In the said Execution Petition, the petitioner was duly served with notice and thereafter, he failed to appear before the Execution Court. Therefore, he was set ex-parte and his salary was attached. As per the order of attachment, the monthly salary of the petitioner has been attached and at that juncture, the petitioner filed an Appeal Suit with the delay of 1060 days in filing the Appeal Suit.

3. On a perusal of the affidavit filed in support of the condone delay petition, it reveals that the petitioner met with an accident and therefore, he could not be able to engage the counsel to prefer the Appeal Suit. As stated above, in the Execution Petition, he was duly served notice and thereafter, he failed to appear before the Execution Court. He was set ex-parte and his salary was attached. After the attachment of his salary for several months, the petitioner come forward with the Appeal Suit with the delay of 1060

days. Therefore, the petitioner has failed to state any sufficient reasons to condone the delay of huge number of days in filing the Appeal Suit. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

15.07.2021

Speaking/Non-speaking order

Index : Yes/No

kv

To

1. The Principal District Judge, Krishnagiri.

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

WEB COPY

G.K.ILANTHIRAIYAN,J.

Kv



C.R.P (NPD).No.3954 of 2018

WEB COPY

15.07.2021



WEB COPY