

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(NPD) No.4134 of 2018
and C.M.P.No.22777 of 2018

1.Mathialagan,

2.Punitha.

... Petitioners

Vs.

V.Maruthachalam

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the Fair and Decretal order dated 14.09.2018 made in I.A.No.308 of 2017 in O.S.No.1895 of 2009 on the file of the II Additional District Munsif Court, Coimbatore and to allow the above Civil Revision Petition.

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For Petitioners : Mr.C.Prabakaran.

For Respondent : Mr.A.Deivasigamani.

ORDER

This Civil Revision Petition arises out of the order passed by the learned II Additional District Munsif Court, Coimbatore, passed in I.A.No.308 of 2017 in O.S.No.1895 of 2009.

2.The petitioners are the defendants in the suit filed by the respondent for recovery of money based on a promissory note. Though a written statement was filed on 06.08.2010, they did not take part in the subsequent proceedings, hence an ex-parte decree was passed on 12.11.2013. The present application has been filed to condone the delay of 1105 days in preferring the application to set aside the ex-parte decree.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.A perusal of the records would reveal that based on the ex-parte decree dated 12.11.2013, an execution petition in E.P.No.65 of 2015, was filed for recovery of the amount. The petitioners/defendants

filed their vakalat on 11.03.2016 in the Execution Petition and after lapse of ten months, this application was filed to condone the delay. The learned Trial Judge having held that no explanation have been offered by the petitioners for the delay of ten months, dismissed the petition. In my considered opinion, the petitioner has not shown sufficient cause to condone the enormous delay.

5. In view of the above, I find no illegality or infirmity in the order passed by the learned II Additional District Munsif, Coimbatore, in I.A.No.308 of 2017 in O.S.No.1895 of 2009. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.08.2021

Index : Yes / No
Internet : Yes
Speaking order / Non Speaking Order

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K.KALYANASUNDARAM, J.

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To

The II Additional District Munsif,
Coimbatore.



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