



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P. (NPD) (MD)No.2744 of 2010

WEB COPY

S.Sathasivam

... Petitioner/Petitioner/Defendant

versus

Muthu Gopalakrishnan (Died)

...Respondent/Respondent/Plaintiff

2.Kamalam

3.Hari Devi

4.Lengamani

5.Meenakshi

6.Rajakaliammal

... Respondents 2 to 6

[Respondents 2 to 6 are brought on record as Legalheirs of the deceased sole respondent vide order dated 18.06.2015 in MP(MD)Nos.1 and 2 of 2012]

Prayer: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to call for the records pertaining to the fair and decreetal order in I.A.No.143 of 2006 in O.S.No.176 of 2002, dated 01.02.2007 on the file of the I Additional Sub Judge, Tirunelveli and set aside the same.

For Petitioner : No appearance

For Respondents : No appearance

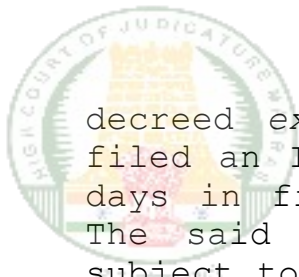
ORDER

None appears for the petitioner and the respondents.

2.The challenge in this revision is the order of the trial Court dismissing I.A.No.143 of 2006, dated 01.02.2007 for non compliance with the conditional order dated 20.12.2006.

3.The suit in O.S.No.176 of 2002, on the file of the I Additional Sub Judge, Tirunelveli was filed by the deceased 1st respondent seeking recovery of a sum of Rs.2,04,000/- with interest due on a promissory note. The suit came to be

<https://hcs.judgeservices.in/hcservices>



decreed ex-parte. The petitioner, who is defendant in the suit filed an I.A.No.143 of 2006, seeking condonation of delay of 277 days in filing an application to set aside the ex-parte decree. The said application was allowed by the Court on 20.12.2016, subject to the condition that the petitioner therein pays a sum of Rs.25,462/- being the costs of the suit on or before 31.01.2007. Since the conditional order was not complied with, the application came to be dismissed on 01.02.2007.

4.Though in the grounds of revision, the petitioner has chosen to fault the Court for imposing a onerous condition, namely, directing the petitioner to deposit the suit costs, the order challenged herein is not the one, dated 20.12.2016 imposing costs, but, is the one dated 01.02.2007, which is a consequential order, dismissing the application in I.A.No.143 of 2006 for not complying with the conditions imposed by order dated 20.12.2006.

5.From the above narration, it can be seen that what is under challenge is the consequential order and not the basis. Therefore, this revision is not maintainable, in the absence of challenge to the order dated 20.12.2006. Hence, this revision petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk

To
The I Additional Sub Judge,
Tirunelveli.

Copy to

The Section Officer, VR Section-2 copies
Madurai Bench of Madras High Court, Madurai.

C.R.P (NPD) (MD) No.2744 of 2010
29.01.2021

KM (08.02.2021) 2P 4C