



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2021

CORAM

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

C.R.P.(MD)No.1162 of 2020

WEB COPY

R.Kalaiselvi

... Petitioner

Vs.

R.Palaniammal

... Respondent

Prayer: Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order made in I.A.No.2 of 2019 in O.S.No.77 of 2013 by the Additional District Munsif Court, Karaikudi dated 16.10.2020.

For Petitioner

: Mr.D.Venkatesh

ORDER

This civil revision petition has been filed to set aside the fair and decreetal order made in I.A.No.2 of 2019 in O.S.No.77 of 2013 by the Additional District Munsif Court, Karaikudi dated 16.10.2020.

2.The petitioner is the defendant in the above suit. According to the petitioner, the respondent/plaintiff filed the above suit for an injunction restraining the petitioner herein from interfering in the respondent's peaceful possession of the schedule mentioned property. According to the petitioner as the petitioner did not file the written statement to conduct the suit, it was decreed exparte.

3.The learned counsel appearing for the petitioner would state that her father died on 17.01.2014 and her husband suffered with heart ailment and died in the year 2016. Thereafter, she was not able to conduct the suit and therefore, an exparte order came to be passed and according to her, she came to know about the exparte order as early as in the year 2019 and thereafter, she filed a petition to set aside the exparte order along with a petition to condone the delay of 2089 days in filing the exparte order, which was dismissed.

4.Heard the learned counsel appearing for the petitioner. Since no adverse order is going to be passed, notice to the respondent is not necessary.

5.Admittedly, the suit was decreed exparte on 17.01.2014 and the set aside petition with a condone delay of 2089 days has been dismissed. The learned Judge finding that the documents were not filed



to substantiate the reason stated by the petitioner and considering the fact that the delay petition has been filed without explaining each and every day of delay and considering the fact that the petitioner father died in the year 2014 and thereafter, the petitioner did not take any step to file the application where I do not find any infirmity and the interference of this Court is not warranted. Accordingly, this civil revision petition is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Additional District Munsif Court, Karaikudi.

C.R.P. (MD)No.1162 of 2020
05.01.2021

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