



WEB COPY



C.R.P.No.3257 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3257 of 2022
and
C.M.P.No.17906 of 2022

1.V.Elango

2.E.Sumathi

... Petitioners

VS

P.Sampath

... Respondent

Prayer: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, praying to set aside the decreetal order passed by the learned Principal Subordinate Judge, Vellore dated 14.11.2019 in I.A.No.1300 of 2018 in O.S.No.465 of 2015 on the file of Principal Subordinate Court, Vellore.

For Petitioners : Ms.T.Sreelekha
for Mr.D.Rajagopal

For Respondent : Mr.B.R.Shankaralingam

ORDER



C.R.P.No.3257 of 2022

The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the petition filed by the revision petitioners to condone the delay of 185 days in filing the petition to set aside the exparte decree.

2. The respondent herein filed a suit for recovery of money based on the pronote. The petitioners entered appearance and filed written statement denying the execution of the suit pronote. However, when the suit was posted for cross examination of PW.1, the petitioners/defendants failed to appear before the Court and hence, the suit was decreed exparte on 20.03.2018.

3. Thereafter, the petitioners filed a petition to set aside the exparte decree along with a petition to condone the delay of 185 days in filing the petition to set aside the exparte decree. The said petition came to be dismissed for default on 14.11.2019 and aggrieved by the same, the petitioners are before this Court.

4. If the petition filed by the petitioners to condone the delay is dismissed for default for their non-appearance, it is for the petitioners to file



C.R.P.No.3257 of 2022

appropriate application before the Court below to restore the same instead of availing the effective remedy available before the Court below, the petitioners are not justified in rushing to this Court challenging the order dismissing I.A.No.1300 of 2018 for default of the petitioners.

5. Therefore, the Civil Revision Petition is not maintainable and the same is dismissed with liberty to the petitioners to file appropriate application before the Court below seeking restoration of I.A.1300 of 2018, if so advised. No costs. Consequently, the connected civil miscellaneous petition is closed.

08.11.2022

Index : Yes / No

Speaking Order : Yes / No

dm

To

The Principal Subordinate Court,
Vellore.



WEB COPY



C.R.P.No.3257 of 2022

S.SOUNTHAR, J.

dm

C.R.P.No.3257 of 2022

08.11.2022