



WEB COPY



CRP.No.987 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.987 of 2019
and CMP.No.6537 of 2019

1.Devammal @ Devathal
2.Karunanidhi

... Petitioners

Vs.

Kaliammal

... Respondent

PRAYER:

Civil Revision petition is filed under Section 115 of CPC to set aside the fair and final order dated 01.10.2018 made in IA.No.1990 of 2016 in OS.No.1213 of 2005 on the file of the Principal District Munsif Court, Coimbatore.

For Petitioners : Mr.S.Arjun

For Respondent : No appearance

ORDER

This civil revision petition has been filed to set aside the fair and final order dated 01.10.2018 made in IA.No.1990 of 2016 in OS.No.1213 of



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2005 on the file of the Principal District Munsif Court, Coimbatore, thereby dismissed the application to condone the delay in filing the petition to set aside the exparte decree.

2. Heard, the learned counsel for the petitioner.

3. The petitioners are the defendants in the suit filed by the respondent for partition. They were set exparte for non filing of the written statement even after giving sufficient opportunity for filing their written statement. On perusal of the affidavit filed in support of the condone delay petition revealed that the first petitioner was admitted for 'hepatitis C' at PSG Hospital, Coimbatore. Therefore, she could not able to contact her counsel. Whereas in respect of second petitioner, he is the son of the first petitioner and there is no reason stated for huge delay of 2201 days in filing the petition to set aside the exparte decree. Only after receipt of notice from the final decree application, the petitioners filed petition to set aside the exparte decree. In fact, they were given opportunity on several hearings to file their written statement. However, they failed to file their written statement. Therefore, they were set exparte. As such, the court rightly dismissed the application and this Court finds no infirmity or illegality in the order passed by the court below.



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WEB COPY 4. Accordingly, this civil revision petition is dismissed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

21.12.2022

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To
The Principal District Munsif Court,
Coimbatore.

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