



WEB COPY



C.R.P.No.2392 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HONOURABLE **Mr. JUSTICE S.SOUNTHAR**

C.R.P(PD).No.2392 of 2022

1.A.Chandragandan

2.V.A.Sambandan

3.A.Jayamurthy

.. Petitioners

Vs.

1.M/s.Krishna Educational Trust,
Represented by its Managing Trustee,
Mr.R.Vivekanandan

2.M/s.Krishna Engineering College,
Represented by its Chairman,
Mr.R.Vivekanandan

3.R.Vivekanandan

4.M/s.All India Council for Technical Education,
Indira Gandhi Complex,
I.P.Estate, New Delhi-110002.

5.Anna University,
Represented by its Vice Chancellor,
Guindy,
Chennai-600 032.

.. Respondents

PRAYER: Civil Revision Petition filed under Section 115 of C.P.C., praying to set aside the fair and decreetal orders passed in I.A.No.197 of 2019 in



C.R.P.No.2392 of 2022

I.A.No.438 of 2012 in O.S.No.139 of 2009 dated 10.01.2020, on the file of the Court of Principal Subordinate Judge, Kancheepuram.

For Petitioners : Mr.M.Anandhakumar

For Respondents : Ms.S.Umamaheswari

O R D E R

This Civil Revision Petition has been filed challenging the order passed by the Court below dismissing the petition filed to restore the I.A.No.438 of 2012, which was dismissed for default. The said I.A.No.438 of 2012 itself was filed to restore the Suit filed by the petitioner in O.S.No.139 of 2009, which was dismissed for default on 04.11.2012.

2. In the affidavit filed in support of the petition in I.A.No.197 of 2019 to restore the I.A.No.438 of 2012, which was dismissed for default, the petitioner has stated that when the restoration petition was posted for enquiry, the petitioner's counsel was not in a position to make his submission and hence the petition was dismissed for default. The petitioner also stated that unless the petition is allowed, he would be put to irreparable loss.

3. The learned counsel for the respondent vehemently opposed the



C.R.P.No.2392 of 2022

revision on the ground that the revision petitioner is a chronic defaulter. It was also submitted that the Suit was filed in the year 2009 and for restoration of the Suit, I.A.No.438 of 2012 was filed and he failed to prosecute it diligently and allowed the same to go for default. Therefore, the conduct of the revision petitioner would go to show that he is only interested in dragging on the case instead of conducting the case.

4.In view of the affidavit filed by the revision petitioner that on 30.07.2014, when I.A.No.438 of 2012, filed for restoration was posted for enquiry, his counsel was unable to attend the Court as he was engaged in other Court, this Court is inclined to give one more opportunity to the revision petitioner to conduct his petition on merits. However, taking into consideration that the revision petitioner has committed default for the second time, he is imposed with a cost of Rs.10,000/-.

5. The Civil Revision Petition is allowed on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the respondent within a period of four weeks from the date of receipt of a copy of this order. If the revision petitioner fails to make such payment, the Civil Revision Petition

S.SOUNTHAR, J.



C.R.P.No.2392 of 2022

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will stand automatically dismissed without any further reference to the Court.

No costs. Consequently, connected miscellaneous petition is closed.

17.10.2022

Index: Yes/ No

Speaking Order / Non-Speaking Order

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To

1. The Principal Subordinate Judge, Kancheepuram.

C.R.P.No.2392 of 2022