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C.M.P.No.11866 of 2022

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in
C.R.P.SR.No. 95698 of 2020

SATHI KUMAR SUKUMARA KURUP, J.,

This Petition had been filed by the Petitioner who was impleaded as the Defendant in the Suit.

2. It is the submission of the learned Counsel for the Petitioner that the Petitioner was set exparte in O.S.No.99 of 2016. The Petition filed by the Petitioner herein was dismissed as per order dated 26.06.2018. The Respondent herein had filed the Suit seeking partition. After service of summons on the Defendants, the Defendants remained absent. Therefore, they were set exparte and preliminary Decree was passed. For setting aside the preliminary Decree the Petitioner herein had filed a Petition in I.A.No.1138 of 2017 in O.S.No.99 of 2016 to condone the delay of 160 days.

3. That Petition was vehemently opposed by the Respondent/Plaintiff. Based on the vehement objection of the learned Counsel for the Respondent/Plaintiff, the learned District Munsif, Sankari had dismissed the Petition.



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4. Based on the records available before this Court, the learned District Munsif, Sankari had observed that the explanation offered by the Petitioner for the delay of 160 days in filing the Petition to set aside the ex-parte Decree is found not satisfactory and therefore, Petition was dismissed.

5. Considering the reasons stated by the learned District Munsif, Sankari, it is not a fit case for setting aside the order passed by the learned District Munsif, Sankari. Hence, this Civil Miscellaneous Petition is dismissed.

25.07.2022

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