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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM:

THE HONOURABLE **MRS.JUSTICE R. HEMALATHA**

C.R.P.No.1644 of 2021
and
C.M.P.No.12759 of 2021

Deivanai ... Petitioner

..Vs..

Parthiban ... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 05.03.2021 in I.A.No.512 of 2018 in O.S.No.393 of 2014 on the file of the II Additional District Munsif, Puducherry.

For Petitioner : Mr.V.Kamalakumar

For Respondent : No appearance

ORDER

The present Civil Revision Petition is filed against the fair and decretal orders dated 05.03.2021 in I.A.No.512 of 2018 in O.S.No.393 of 2014 on the file of the II Additional District Munsif, Puducherry.

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2.The revision petitioner is the plaintiff in O.S.No.393 of 2014 on the file of the II Additional District Munsif, Puducherry. She filed the suit for recovery of possession of the suit property from the defendant.

3.The suit was decreed *ex parte* and the plaintiff filed an execution petition. After receiving notice in the execution petition, the defendant filed a petition to set aside *ex parte* decree passed in O.S.No.393 of 2014 along with a petition to condone the delay in filing the petition to set aside the *ex parte* decree. The said petition was returned for some reason and there was a delay of 182 days in representing the petition filed under Section 5 of the Limitation Act. Thus, respondent/defendant filed I.A.No.512 of 2018 to condone the delay of 182 days in representing the petition filed under Section 5 of the Limitation Act.

4.The respondent/defendant filed his counter and after full contest, learned II Additional District Munsif, Pondicherry, allowed the petition in I.A.No.512 of 2018 vide her orders dated 05.03.2021 on payment of costs of Rs.1,500/- to the revision petitioner/plaintiff,

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aggrieved over which, the present Civil Revision Petition is filed.

5.Heard Mr.V.Kamalakumar, learned counsel appearing for the revision petitioner.

6.It is seen from the records that there is a delay of 182 days in representing the petition under Section 5 of the Limitation Act. The present revision petitioner has filed only challenging the orders passed in I.A.No.512 of 2018 to condone the delay of 182 days in representing the petition under Section 5 of the Limitation Act. The trial Court has rightly allowed the said application on payment of costs of Rs.1,500/- to the revision petitioner/plaintiff. I do not find any infirmity in the orders passed by the trial Court.

7.Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

19.10.2022

mtl
Index : Yes/No
Speaking / Non-speaking order

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R. HEMALATHA, J.

mtl

To

1.The II Additional District Munsif, Puducherry.
2.The Section Officer, VR Section, High Court, Madras.

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and C.M.P.No.12759 of 2021

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