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C.R.P.No.2500, 2502 & 2509 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2022

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.Nos.2500, 2502 & 2509 of 2019

P.Latha	...	Petitioner in all C.R.Ps
	Vs.	
P.Ramakrishnan	...	Respondent in all C.R.Ps

Common Prayer :- Civil Revision Petitions filed under Article 227 of the Constitution of India, to direct the learned Subordinate Judge-I, Villupuram, to number the interlocutory applications filed on 09.04.2018 in I.A.Nos. unnumbered, in O.S.Nos.58 & 56 of 2016 and O.S.No.325 of 2015 respectively.

For Petitioner
in all CRPs : Mr.M.Arumugam

For Respondents
in all CRPs : Mr.N.Arunkumar



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COMMON ORDER

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These Civil Revision Petitions have been filed to direct the learned Subordinate Judge-I, Villupuram, to number the unnumbered interlocutory applications filed on 09.04.2018 in O.S.Nos.58 & 56 of 2016 and O.S.No.325 of 2015 respectively, to condone the delay of 180 days in filing the application to set aside the decree dated 11.09.2017.

2. The petitioner is the defendant in the suits in O.S.Nos.58 & 56 of 2016 and O.S.No.325 of 2015, filed by the respondent for recovery of money. While pending the suits, the petitioner filed memo stating that she may granted two months time to make payment in the suit and the memo may be recorded in the interest of justice. On production of the said memo, the suit was decreed as prayed for, by the orders dated 11.09.2017, in O.S.Nos.58 & 56 of 2016 and O.S.No.325 of 2015.

3. After the period of six months from the date of decree dated 11.09.2017, the petitioner filed applications under Order 9 Rule 13 of C.P.C., to set aside the decree dated 11.09.2017, along with the petitions to



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condone the delay of 180 days in filing the said applications. However, the said applications were kept pending by the trial Court without even numbering. Hence, the petitioner filed these Civil Revision Petitions before this Court.

4. Heard Mr.M.Arumugam, learned counsel appearing for the petitioner and Mr.N.Arun Kumar, learned counsel appearing for the respondent in all C.R.Ps.

5. It is seen that the petitioner filed petitions under Order 9 Rule 13 of C.P.C., as if she was set exparte. On perusal of records revealed that only on the memo filed by the learned counsel appearing for the petitioner/defendant, the suits were decreed. It is not the case of the petitioner that she was set exparte and as such she was filed petitions to set aside exparte decree. She was never set exparte before the trial Court. Therefore, there was no provision under Order 9 Rule 13 of C.P.C. When the said petitions itself are not maintainable, there is no question of condone the delay in filing the petition to set aside the decree.



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6. Considering the facts and circumstances, the trial Court rightly rejected the applications and this Court finds no merits in the case of the petitioner. However, the petitioner is at liberty to challenge the judgment and decree passed in the above suits in accordance with law, subject to satisfy the limitation.

7. Accordingly, all the Civil Revision Petitions are dismissed.
There shall be no order as to costs.

19.12.2022

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts



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To

1. The Subordinate Judge-I,
Villupuram.



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G.K.ILANTHIRAIYAN, J.

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