



C.R.P.(NPD) No.3401 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

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THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.(NPD).No.3401 of 2022

and

C.M.P.No.18096 of 2022

Gaffer Sahib

... Petitioner

Vs.

Mumtaj

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the fair and decreetal order passed in E.A.No. 4 of 2022 in E.P No.110 of 2019 in O.S No.95 of 2013 on 29.08.2022 by the learned Subordinate Judge, Ranipet, Vellore District, is most unsound and illegal and the same is liable to be set aside by this Court.

For Petitioner : Mr.Adithya Varadarajan

ORDER

This Civil Revision Petition has been filed, challenging the order dated 29.08.2022 passed by the Court below dismissing the petition filed by the



revision petitioner seeking to set aside the exparte order passed against him

on 23.02.2021, in E.A. No.4 of 2021 in E.P No.110 of 2019 in O.S.No.95 of 2013.

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2. A perusal of the affidavit filed by the revision petitioner in support of the petition to set aside the exparte order, the petitioner has not stated any acceptable reason for his non-appearance on 23.02.2021 before the Executing Court. In the affidavit, the petitioner only made averment regarding the disposal of the main first appeal and the second appeal etc., He has not stated when he had received the notice in the E.P and what prevented him from appearing before the Executing Court on the date on which he was set exparte. In view of the fact that the petitioner has not adduced any reasons to set aside the exparte order passed against him, the Court below has rightly dismissed the application. Hence, I do not find any illegality or infirmity in the order passed by the Court below and the present revision petition is liable to be dismissed.



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3. Accordingly, the Civil Revision Petition is dismissed and the fair and decreetal order dated 29.08.2022 passed in E.A.No.4 of 2021 in E.P No.110 of 2019 in O.S.No.95 of 2013 by the learned Subordinate Judge, Ranipet, Vellore District, is hereby confirmed. No Costs. Consequently, connected Miscellaneous Petition is closed.

20.10.2022

Index : Yes/No
Speaking Order : Yes / No
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To

- 1.The Subordinate Judge,
Ranipet,
Vellore District.
- 2.The Section Officer,
VR Section, Madras High Court,
Chennai.



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S.SOUNTHAR, J.,

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