



C.R.P..No.262 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2022

C O R A M:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.No.262 of 2019
and CM.P.No.2056 of 2019

1. C.Karupammal
2. C.Pappaiya
3. C.Rajasekar
4. C.Sarojamma
5. C.Nirmala

... Petitioners

Vs.

1. M.Venkatareddy
2. M.Gowramma

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying against the order dated 08.08.2017 in I.A.No.410 of 2015 in O.S.No.183 of 2008 passed by the Hon'ble District Munsiff Court, Hosur.

For Petitioners : Mr.E.Paulraj
For Respondents : M/s.R.Poornima for R1
No appearance for R2

ORDER

This Civil Revision Petition has been filed against the order of dismissal dated 08.08.2017 passed in I.A.No.410 of 2015 in O.S.No.183 of

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2008, whereby, condone delay petition filed to set aside the *exparte* decree passed in the suit, by judgment dated 09.07.2010 has been rejected.

2. The Revision Petitioners herein are the defendants 6 to 10 in the suit and in the suit, an *exparte* decree has been passed on 09.07.2010. Aggrieved by the same, the Revision Petitioners/defendants 6 to 10 filed the petition in I.A.No.410 of 2015 with delay of 1789 days in filing the petition to set aside the ex-parte decree.

3. The learned Judge found that even after receiving summons and affording reasonable opportunity to the defendants, they failed to appear before the Trial Court in the suit proceedings. Further, during the pendency of the suit, the defendants alienated the property to another party, which fact was also admitted by them. In this regard, the plaintiffs lodged complaint before the Superintendent of Police, Krishnagiri. Thereafter, the defendants 6 to 10 filed application in I.A.No.410 of 2013 in O.S.No.183 of 2008, to condone the delay in filing the petition to set aside the *exparte* order dated 09.07.2010. The learned Judge found no proper explanation has been given



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for such a long delay in filing the petition to set aside the exparte decree.

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4. Heard both sides and perused the materials available on record.

5. The learned Judge held that the petitioners/defendants 6 to 10 only with an intention to protract the suit proceedings, filed the petition with inordinate delay and no proper explanation had been given.

6. The findings of the learned Judge is a well considered one and the same does not warrant any interference of this Court. Accordingly, the Civil Revision Petition is dismissed. No Costs. Consequently connected miscellaneous petition is closed.

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msv/Nvsri
Index:Yes/No

To
1.The District Munsiff Court, Hosur.
2.The Section Officers
V.R.Section, High Court of Madras.

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