



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Twelfth day of August Two Thousand and Twenty Two

WEB COPY

PRESENT
The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD)No.2359 of 2021
in
CRP(MD)No.39 of 2019

1.M.R.Lakshmi
2.S.Ezhil
3.M.Ravindran
4.M.Sornamani ... Petitioners/Petitioners/Defendants

Vs

1.M.Kuppammal
2.M.Vimala ... Respondents/Respondents/Plaintiffs

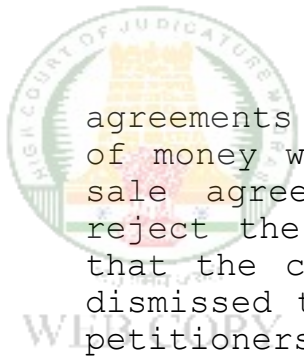
Prayer in CMP(MD)No.2359 of 2021 :- Civil Miscellaneous Petition filed under Section 151 of C.P.C., to permit to file written statement by extending the time for four months from 21.11.2020 and pass such other orders which are deemed fit and necessary in the nature and circumstances of the case and thus render justice.

Prayer in CRP(MD)No.39 of 2019:- Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 15.11.2018 passed in I.A.No.389 of 2017 in O.S.No.188 of 2016 on the file of the Principal District Judge, Tiruchirappalli and to allow this Civil Revision Petition.

ORDER:- This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.Shangar Murali, Advocate for the Petitioner, this Court made the following order:-

Earlier, the petitioner filed a civil revision petition in CRP (MD)No.39 of 2019, challenging the order, dated 15.11.2018 made in I.A.No. 389 of 2017 in O.S.No.188 of 2016 on the file of the Principal District Court, Trichirappalli.

2. The petitioners are the defendants in the suit in O.S.No.188 of 2016. The suit is for recovery of a sum of Rs.86,70,600/- with interest at the rate of 12% per annum. Probably with a clear intention to drag on the proceedings, the petitioners did not file any written statement before the trial Court. It is to be seen that the suit is on the basis of money advanced under



agreements of sale. It is admitted that the suit was for recovery of money which is admitted to have been advanced under different sale agreements. The petitioners made an attempt originally to reject the plaint under Order 7 Rule 11 of C.P.C., on the ground that the claim is barred by limitation. However, the trial Court dismissed the said application. Challenging the same, the revision petitioners filed the above civil revision petition.

3. This Court while dismissing the civil revision petition, gave time to the petitioners to file a written statement within a period of four weeks from the date of receipt of a copy of the order passed in the Civil Revision Petition. Meanwhile, the petitioners were also given liberty to file a petition to set aside the order setting the petitioners ex-parte as the petitioners had not appeared before the trial Court.

4. Despite the fact that all the efforts to drag on the proceedings before the trial Court have ended in failure, the petitioners have now come forward with a petition seeking permission to file a written statement by extending time. The revision itself was disposed of on 20.08.2020. This Court finds no merit in this petition to extend the time further as no acceptable reasons are given. Accordingly, this petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/08/2022

Sub Assistant Registrar(CS)

TO:

The Principal District Judge,
Tiruchirappalli.

ORDER DATED : 12/08/2022

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ORDER

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CMP(MD) No.2359 of 2021

in

CRP(MD) No.39 of 2019

Giving direction and etc.
as stated within.

RD(23/08/2022) 2P 2C