



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.04.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P (MD)No.164 of 2018

and

C.M.P (MD)No.731 of 2018

Savariraj ... Petitioner/Respondent /
Defendant
Vs.
Marimuthu ... Respondent/ Petitioner/
Plaintiff

PRAYER : Civil Revision Petition is filed under Section 115 of Civil Procedure Code against the fair and decretal order, dated, 24.10.2017, made in I.A.No.176 of 2016 in O.S.No.372 of 2012 on the file of the learned Additional Sub Court, Dindigul.

For Petitioner : Mr.J.Lawrance

For Respondent : Mr.R.Suriyanarayanan

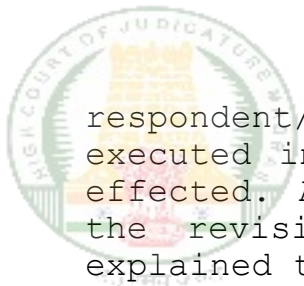
ORDER

The Defendant in the suit is the revision petitioner.

2. The suit was filed for the relief of specific performance. The defendant suffered an ex-parte decree on 13.03.2013. An application was filed by the defendant in I.A.No.176 of 2016 to condone the delay of 1069 days in filing an application to set aside the ex-parte decree on the ground that he was ill and he could not defend the proceedings. The learned trial Judge dismissed the said application on the ground that no medical records have been produced on the side of the defendant. Challenging the same, this present Civil Revision Petition has been filed.

3. Heard the learned counsels appearing on either side.

4. It is seen from the records that the defendant has suffered an ex-parte decree in the year 2013 and an application has been filed to set aside the ex-parte decree with a delay of 1069 days. Alleging that due to medical reasons, he could not defend the suit. As rightly pointed out by the trial Court, no medical records have been produced on the side of the defendant to justify the reasons for such a long delay. The learned counsel for the



respondent/decreed-holder submits that already sale deed has been executed in his favour and delivery of the property has also been effected. At this stage, I do not find any reason to interfere in the revision petition, especially, when the defendant has not explained the delay of 1069 days.

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The Additional Subordinate Judge,
Dindigul.

+1 CC to M/s.J. LAWRANCCE, Advocate (SR-18961[F] dated 18/04/2022)

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