



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

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THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P (MD) Nos.2531 to 2536 of 2014

Venkateswara Industries,
Vannivelampatti,
Rep by its Proprietor Thavamani,
S/o.Late. Kamatchirajan,
Deva Nagar, T.Kunnathoor,
Peraiyur Taluk,
Madurai District.

... Petitioner/petitioner/Appellant
in CRP(MD).2531 & 2532 of 2014

Sri Srinivasa Industries,
T.Kunnathoor, Rep.By its Partner,
Muthukamatchi @ Manoharan, S/o.K.K.B.Subbiah Chettiar,
T.Kallupatti, Thirumangalam Tk,
Madurai District

... Petitioner/petitioner/Appellant
in CRP(MD).2533 to 2536 of 2014

Vs.

Taminadu Electricity Board,
Rep. by its Superintending Engineer,
Electricity Distribution Circle,
K.Pudur,
Madurai-7.

... Respondent/Respondent/Respondent
in all CRPs

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 24.09.2014 passed in I.A.No.146 to 151 of 2012 in A.S.No.55 of 2002 respectively on the file of the Subordinate Judge, Thirumangalam Camp Court and allow the present civil revision petitions.

In all CRPs

For Petitioner	: Mr.M.Saravanan
For Respondent	: Mr.B.Ramanathan

**COMMON ORDER**

Since a common issue arises in these civil revision petitions which are filed challenging the orders in the following interlocutory applications in the respective first appeals, a common order is passed.

Sl.No	O.S.No.	A.S.No	I.A.No	C.R.P. (MD) No.
1	701/1994	55/2002	146/2012	2531/2014
2	131/1996	56/2002	147/2012	2532/2014
3	622/1994	57/2002	148/2012	2533/2014
4	539/1994	58/2002	149/2012	2534/2014
5	702/1994	59/2002	150/2012	2535/2014
6	554/1994	60/2002	151/2012	2536/2014

2.The brief facts which are essential for disposing of the above civil revision petitions are as follows:-

(i) The revision petitioner/plaintiff in each of the revisions had filed the suits for declaring that the demand made by the respondent is not valid and binding on the plaintiff, void and unenforceable in law and for an injunction restraining the respondent from disconnecting the service connection in respect of the suit schedule properties. It is the case of the plaintiffs that the respondent board had wrongly charged them excessively on the basis that the Government order bearing G.O.Nos.423 and 1808 are in force. The revision petitioners had moved the High Court by filing writ petitions questioning the demand and seeking refund of the excess amount. However, the respondent herein had not heeded to the request and kept demanding the excess amount. The suits after contest were dismissed on 03.12.2001 by a common judgment. Challenging the said judgment and decree, the respective plaintiff had filed the appeals. While so, the appeals were dismissed for default on 04.12.2002. Thereafter, the petitioners had filed the respective interlocutory applications for condoning the delay in filing the petitions to restore the appeals.

(ii) In the affidavit filed in support of the said applications, the revision petitioners would submit that since there was no interference by the board, they had not contacted their counsel. Thereafter, when the running of the business activities was disturbed, they had met the counsel who informed them that for their non-appearance, they were set ex-parte on 04.12.2002 and the appeals were dismissed for default on the said date. Therefore, they had come forward with the impugned petitions.



(iii) The respondent board filed their counter *inter alia* contending that the fact that the petitioners did not know about the stage of the appeals, is absolutely false, since they had been prosecuting the connected suit filed by them. Further, some other appeals were pending on the file of the Court, which were being prosecuted by the petitioners. The board would submit that the huge amounts are due and payable by the petitioners to the tune of over Rs.95,00,000/-. The petitioners have not given any reasons for the delay and the explanation given is a concocted one. Therefore, they sought for dismissal of the applications.

(iv) The learned Subordinate Judge, Tirumangalam Camp Court, by order dated 24.09.2014, had dismissed the said applications. The learned Judge had observed that the affidavits filed in support of the petitions are totally lacking in details as to when the petitioners had met the advocate and when they had to know about the dismissal of their appeals for default and as to when steps have been taken by them. The learned Judge had also observed that no business was being conducted by the petitioners in the premises. The delay was huge running to nearly 10 years and no reasons have been provided for setting aside the delay. Therefore, the learned Judge has proceeded to dismiss these applications. Challenging the same, the revision petitioners are before this court.

3. Heard the learned counsel appearing on either side and perused the records.

4. The records would show that a common judgment had been passed in all the suits, against which, appeals had been filed. After filing the appeals, the revision petitioners had not taken any steps to keep themselves abreast with the developments in the appeals. A reading of the affidavit filed in support of the condone delay petitions, would show the total indifference on the side of the revision petitioners. They would state that since the officials of the board had not disturbed their business, they had not taken any steps to verify the status of their appeals. It was only thereafter when the officials had started interfering in the business activities, they had taken steps to verify from their counsel about the status of the appeals. The affidavits however do not give any details about the date on which the petitioners had come to know about the *ex parte* order and when they had come to know about the dismissal of their appeals and when they had taken steps to restore the same. The reason given for the delay only reflects the indifference of the petitioners to legal proceedings. The Court cannot come to rescue of a litigant who displays supine indifference to the Court proceedings. The learned Subordinate Judge has rightly dismissed the application and I do not find any infirmity in the said orders.



5. In the result, these Civil Revision Petitions are dismissed.
No costs.

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Sd/-

Assistant Registrar(Records)

/ /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 Subordinate Judge,
Thirumangalam Camp Court.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-2962[F] dated 28/01/2022)
+1 CC to M/s.B.RAMANATHAN, Advocate (SR-3079[F] dated 31/01/2022)

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28.01.2022

SK(CO)

TR(21.02.2022) 4P 4C