



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).Nos. 1952 of 2021 and 561 of 2022 and
CMP(MD).No.10507 of 2021 in CRP(MD).No.1952 of 2021

Cheran .. Petitioner in both CRPs

Vs.

Karuppasamy .. Respondent in both CRPs

Prayer in CRP(MD).No.1952 of 2021: This Civil Revision Petition is filed under Section 115 CPC against the fair and ex parte order dated 24.09.2021 made in I.A.No.1 of 2021 in O.S.No.507 of 2017 on the file of the Principal Sub Court, Tenkasi.

Prayer in CRP(MD).No.561 of 2022 : This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and ex parte order, dated 24.09.2021 made in I.A.No.2 of 2021 in O.S.No.507 of 2017 on the file of the Principal Sub Court, Tenkasi.

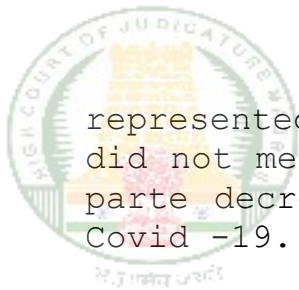
For Petitioner in both cases : Mr. V. Paneerselvam
For Respondent in both cases : Mr.S.S. Thesigan

COMMON ORDER

The revision petitioner / defendant filed these revisions to set aside the order, dated 24.09.2021 made in I.A.Nos.1 and 2 of 2021 in O.S.No.507 of 2017 on the file of the Principal Sub Court, Tenkasi.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The said Interlocutory Applications have been filed by the petitioner / defendant to condone the delay of 396 days in filing a petition to set aside the ex parte decree and to set aside the ex parte decree, dated 08.01.2020 respectively. The reason for non appearance of the petitioner is that his previous counsel has handed over the bundle to some other counsel. The counsel



represented "no instructions" on 04.12.2019 and due to Covid-19 he did not meet his counsel. In such circumstances, the ex parte decree was passed on 08.01.2020 and on that date there is no Covid -19.

4. On perusal of the records it is seen that already ex parte decree was passed on 31.07.2018 and the same was set aside with a delay of 331 days on 22.07.2019. Again, the petitioner has not appeared on 04.12.2019 and hence, ex parte decree was passed on 08.01.2020. He has also appeared in E.P on 10.03.2020. But, he has filed the present petitions only in the year 2021. Without any proper reason the petitioner has filed the present application with a delay of 396 days and hence, this Court is not inclined to interfere with the orders passed by the Court below.

5. Accordingly, the Civil Revision Petitions are dismissed by confirming the order, dated 24.09.2021 made in I.A.Nos.1 and 2 of 2021 in O.S.No.507 of 2017 on the file of the Principal Sub Court, Tenkasi. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

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/ /2022

Sub Assistant Registrar(CS)

trp

To

The Principal Subordinate Judge, Tenkasi.

+1 CC to M/s.V. PANNEER SELVAM, Advocate (SR-22150[F] dated 28/04/2022)

+1 CC to M/s.S.S.THESIGAN, Advocate (SR-22242[F] dated 28/04/2022)

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kg(CO)

TR(24.05.2022) 2P 4C