



CRP No.407 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

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& CMP No. 3451 of 2023

- 1.Ranganathan
- 2.Saroja
- 3.Mohan Kumar
- 4.Bakirathi
- 5.Suresh Kumar
- 6.Surendrakumar

.... Petitioners

-Vs-

- 1.District Collector,
District Collector Office,
Villupuram District.
- 2.Revenue Divisional Officer,
Revenue Divisional Office,
Kaspa Kallakurichi
Kallakurichi District.
- 3.Thashildar
Thashildar Office,
Kaspa Kallakurichi
Kallakurichi District.
- 4.Revenue Inspector
Revenue Inspector Office,
Thiyagadurgam,
Kallakurichi District.
- 5.Village Administrative Officer,



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Village Administrative Office,
Prithivimangalam,
Kallakurichi District.

6. Principal Educational officer,
Principal Educational Office,
Villupuram Town,
Villupuram District.

7. Assistant Educational Officer,
Assistant Educational Office,
Kaspa Kallakurichi, Kallkurichi District.

.... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 14.11.2022 made in I.A No. 210 of 2020 in O.S No. 268 of 2014 on the file of the Principal District Munsif Court, kallakurichi and thereby allow this Civil Revision Petition.

For Petitioners : Mr.R.Bharath Kumar
For Respondents : Mr.M.R. Gokul Krishnan
Additional Government Pleader

ORDER

This Civil Revision petition has been filed to set aside the fair and decreetal order dated 14.11.2022 made in I.A No. 210 of 2020 in O.S No. 268 of 2014 on the file of the Principal District Munsif Court, kallakurichi.



2. The brief facts of the case are as follows:

The petitioners herein filed O.S No. 268 of 2014 against the respondents herein for the relief of declaration and permanent injunction in respect of suit properties. Thereafter, the case was posted for cross examination of P.W.1 on 05.04.2016 and on that day the respondent counsel failed to cross examine P.W.1 and the exparte order was passed. Subsequently ex-parte decree was passed on 14.07.2017. Thereafter the respondents herein filed I.A No. 210 of 2020 in OS No. 268 of 2014 to condone the delay of 912 days to file the petition for set aside the exparte decree against the defendants/respondents herein. After considering the submissions on either side, the Trial Court condone the delay of 912 days with the condition to pay as cost of Rs.3000/- to plaintiff/petitioners herein on or before 28.11.2022. Challenging the same the plaintiff preferred this Civil Revision Petition.

3. The learned counsel for the petitioner submitted that in their affidavit the respondents/defendants has not assigned valid reasons for the delay of 912 days to file the petition to set aside the exparte order without which Trial Court erroneously allowed the said petition which is erroneous and liable to be set aside. Hence he prays to allow this petition. Furthermore to support his contention he relied the Judgment of the supreme Court in the case of Majji



Sannemma @ Sanyasirao Vs Reddy Sridevi & Ors.

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4. The learned Additional Government Pleader appeared for the respondents submitted that due to bifurcation of the District and other work burden the Government officials were not able to appear before the Court below which is neither willful nor wanton and the same was rightly appreciated by the Court below needs no interference. Hence he prays to dismiss this petition.

5. Considering the submissions on either side and also on perusal of records, it reveals that in the year 2014 Tahsildar issued eviction notice against the petitioners herein for acquisition proceedings. After receiving the notice the petitioners filed a suit for declaration, in which, the Tahsildar contested the suit proceedings and also filed written statement. However, they were not cross examined P.W.1 hence the Court below passed exparte order on 14.07.2017. In the meantime, the Government officials failed to follow the suit proceedings. Thereafter, when they entered into the suit property for acquisition of lands for building Government office they came to know about the exparte decree. Subsequently, they filed petition for condonation of 912 days delay to file petition against the ex-parte order. Furthermore, the reason assigned by the respondents that owing to bifurcation of district and also due to transfer of Government officials they were not able to follow the suit proceedings which is acceptable one.



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Hence the order passed by the Trial court is justifiable one needs no interference.

However the Trial Court is directed to dispose the case within a period of four months from the date of receipt of a copy of this order.

6. Accordingly, this Civil Revision petition is dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
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