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C.R.P.(NPD)No.897 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(NPD)No.897 of 2011
and MP.No.1 of 2011

1.Subramani @ Manishankar
2.Sunantha

.. Petitioners

VS

Indian Bank
Represented by Senior Manager
Gandhi Road,
Krishnagiri.

.. Respondent

Petition filed under Section 115 of the Civil Procedure Code against the fair and decretal order passed in I.A.No.352 of 2010 in O.S.No.105 of 2006 dated 20.01.2011 by the District Munsif Judge, Krishnagiri and to set aside the same.

For Petitioners : Mr.B.Nedunchezhiyan

For Respondent : Mr.S.Lalith Gavas

ORDER

This is a revision filed by the defendant in a suit for recovery of money filed by the bank. The bank laid a claim for payment of a sum of



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Rs.1,31,074/- together with interest at the rate of 12.25%. The suit was decreed together with costs.

2.After the exparte decree was passed, an application was taken out to condone the delay. Thereafter, an application was filed to set aside the exparte decree together with a written statement. The total number of days delay to set aside the exparte decree is 1176 days. The reason for the delay is that the Advocate did not inform the petitioner about the pendency of the matter and they came to know about the exparte decree only when they were served with the execution proceedings. This was stiffly contested before the trial Court and the petition was dismissed. Against which, the present revision.

3.The suit had been presented before the Court in Krishnagiri while the petitioners were residing out of the said station. On account of that fact, the petitioners, though received the summons, could not give instructions to their lawyer. Nonetheless, in order to give them an opportunity, I am willing to condone the delay on the condition that the petitioners deposit a sum of Rs.3,46,933/- within a period of six (6) weeks from today.

4.On the deposit of such amount, the learned Principal Subordinate Judge is requested to take up the application under Order 9 Rule 13 of



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CPC and allow the same.

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5.In case the amount is not deposited within the aforesaid period, the civil revision petition shall stand dismissed. This civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

6.Mr.B.Nedunchezian, learned counsel appearing for the petitioners submit that pending revision, he has paid a sum of Rs.75,000/- and he is entitled to adjust the said amount as against the condition, which has been imposed by the order today.

26.07.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

vs

To

The District Munsif Judge,
Krishnagiri.



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V. LAKSHMINARAYANAN,J.

VS

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