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C.R.P.No.2466 of 20--

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.No.2466 of 2010

and

M.P.No.1 of 2010

1. R.Govindan (deceased)
2. Amitham
3. Valli
4. Guna
5. G.Deivanayagam
6. Uma
7. G.Gnanasekar
8. G.Meignanam

[Petitioners 2 to 8 brought on record as LR's of the deceased sole petitioner, viz., R.Govindan vide Court order dated 22.12.2017 made in M.P.No.1 of 2015 in C.R.P.No.2466 of 2010]

... Petitioners

Vs.

1. Gopalkrishnan (deceased)
2. Nagarajan
3. Swamikkannu
4. Selvaraj
5. Viruthambal
6. Selvam
7. Ilayaperumal
8. Anbazhagan
9. Gopikrishnan (minor)
S/o.Gopalakrishnan
(Rep.by his mother & natural guardian, Viruthambal,
5th respondent herein)



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10. Geetha
11. Malar
12. Revathi
13. Subhashree

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the impugned order and decreetal order dated 28.04.2010 passed in I.A.No.943 of 2006 in O.S.No.99 of 1998 on the file of the Principal District Munsif, Villupuram by allowing this Civil Revision Petition.

For Petitioners : Mr.R.Thanjan

For Respondents : R1-Died vide EB

No appearance (for R2 to R11 & 13)

R12-Died

ORDER

This Civil Revision Petition has been filed against the impugned order and decreetal order dated 28.04.2010 passed in I.A.No.943 of 2006 in O.S.No.99 of 1998 on the file of the Principal District Munsif, Villupuram, thereby allowing the petition to condone delay in filing the petition to set aside the ex-parte decree.

2. The first petitioner (since deceased) is the plaintiff and the respondents are the defendants. The legal heirs of the deceased/first petitioner have been substituted in this Civil Revision Petition. The first



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petitioner filed a suit for partition in which the respondents called absent and they were set ex-parte. While that being so, the respondents filed a petition to set aside the ex-parte decree with a delay of 1421 days in filing the petition to set aside the ex-parte decree. The same was allowed and aggrieved by the same, the present Civil Revision Petition is filed.

3. On a perusal of the affidavit filed in support of the condone delay petition, the respondents took sufficient cause for delay in filing the petition to set aside the ex-parte decree. Therefore, the Court below rightly set aside the ex-parte decree and allowed them to pursue the suit. Therefore, this Court finds, no infirmity or illegality in the order passed by the Court below.

4. In the result, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
kv

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G.K.ILANTHIRAIYAN,J.

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1. The Principal District Munsif Court, Villupuram.
2. The Section Officer,
V.R. Section,
High Court, Madras.

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