



WEB COPY



CRP.Nos. 2602 & 2603 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

CRP.Nos. 2602 & 2603 of 2023

and

CMP.Nos. 16085 & 16086 of 2023

1.46, Pudhur Panchayat,  
Represented by its President,  
46, Pudhur Village  
Madukkarai T.K.  
Erode Dist.

.. Petitioner in CRP 2602/2023

2. Chinnammal

.. Petitioner in CRP 2603/2023

Versus

1.P. Danalakshmi  
2.S.P. Karthikeyan

.. Respondents  
(in both CRPs)

Civil Revision Petitions are filed under Article 227 of the Constitution of India, prays to set aside the fair and decreetal order dated 07.03.2023 made in I.A.Nos. 1 & 2 of 2022 in O.S.No. 19 of 2011 on the file of Principal District Munsif, Erode.

For Petitioners : Mr. V.S. Kesavan  
(In both CRPs)

----



WEB COPY



CRP.Nos. 2602 & 2603 of 2023

### **COMMON ORDER**

Heard the learned counsel for the petitioners and perused the materials available on record.

2. On a perusal of the records, it reveals that the respondents/plaintiffs have filed the suit in O.S.No. 19 of 2011 on the file of the District Munsif, Erode, for permanent injunction against the petitioners/defendants. During the pendency of the suit proceedings, the petitioners/defendants have filed IA.Nos. 1 & 2 of 2022 under Section 5 of the Limitation Act, seeking to condone the delay of 3670 days for filing the applications to set aside the ex-parte decree dated 19.10.2011. After perusing the records, the trial Court dismissed the applications by order dated 07.03.2023. Aggrieved by the same, the petitioners have come forward with the present Civil Revision Petitions.

3. It is further seen that the suit was filed on 05.01.2011 by the respondents/plaintiffs for permanent injunction against the petitioners/defendants. After several hearings, the trial Court sufficient



CRP.Nos. 2602 & 2603 of 2023

opportunities were granted to the defendants for filing written statement on 03.03.2011, 24.03.2011, 12.04.2011, 28.04.2011, 21.06.2011, 11.07.2011, 25.07.2011, 10.08.2011, 24.08.2011, but the defendants have not filed written statement. Subsequently, the trial Court passed an ex-parte decree on 19.10.2011. Pursuant to the same, the petitioners have filed I.A.Nos.1&2 of 2022 under Section 5 of the Limitation Act, seeking to condone the delay of 3670 days for filing the applications to set aside the ex-parte decree dated 19.10.2011. While that being the case, the petitioners have not stated any valid reasons to set aside the ex-parte decree and the applications filed by the petitioners/defendants. Therefore, the trial Court has rightly dismissed the applications by order dated 07.03.2023. Hence, there is no illegality or irregularity in the impugned order passed by the trial Court and therefore, this Court also is not inclined to allow the above Revisions and the same are liable to be dismissed.

4. Accordingly, the Civil Revision Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed. However, there shall be no order as to costs.



CRP.Nos. 2602 & 2603 of 2023

**08.08.2023**

WEB COPY

Speaking order: Yes/No

Neutral Citation : Yes/No

Index : Yes/No

To

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



WEB COPY



CRP.Nos. 2602 & 2603 of 2023

**V.BHAVANI SUBBAROYAN, J.**

msm

CRP.Nos. 2602 & 2603 of 2023



WEB COPY



CRP.Nos. 2602 & 2603 of 2023

08.08.2023