



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.09.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No. 3518 of 2023

and

C.M.P.No.22005 of 2023

K. Anbazhagan

...Petitioner

.Vs.

1. Mrs. Pattammal

2. Mrs. Manjula

...Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order order passed in I.A.No.81 of 2021 in O.S.No.110 of 2007 by the Additional Sub-Ordinate Judge at Kancheepuram dated 12.01.2023 and pass orders.



For Petitioner : Mr.K. Balaji

ORDER

This petition is filed to set aside the order passed in I.A.No.81 of 2021 in O.S.No.110 of 2007 by the Additional Sub-Ordinate Judge at Kancheepuram dated 12.01.2023.

2. The facts of the case is that the petitioner herein has filed the above I.A under Section 5 of Limitation Act to condone the delay of 4262 days in filing the petition to set aside the exparte decree dated 24.03.2019 and the same was dismissed vide order dated 12.01.2023. Aggrieved over the same, the petitioner has come up with this petition.

3. The learned counsel for the petitioner submitted that the petitioner was not aware of the ex-parte decree passed against him. However, immediately after he came to know about the ex-parte decree he



has filed the above I.A to condone the delay. However, the Court below without proper appreciation of facts had dismissed the same, which has given rise to this petition. Hence he prays to allow this petition.

4. On a perusal of the impugned order it is seen that the learned Judge has made an observation that the documents filed by the petitioner pertains to the year 2017 to 2020, whereas the petitioner had remained ex-parte in the year 2009 and the petitioner has not produced any documents for the year 2009 to 2016. For allowing the delay the petitioner ought to have stated reasons for the delay, but the petitioner has not stated any reason for the entire period and stated the reason only for the year 2017, which is not acceptable. The said finding of the learned Judge is perfectly valid in the eye of law and the same cannot be brushed aside easily. Hence, the impugned order does not warrant interference by this Court.

5. In view of the above, this Court is not inclined to interfere with the order dated 12.01.2023 passed in I.A.No.81 of 2021 in O.S.No.110 of 2007 by the Additional Sub-Ordinate Judge at Kancheepuram and the same



is hereby confirmed. Accordingly, this Civil Revision Petition is dismissed.

Consequently, the connected miscellaneous petition is closed.

27.09.2023

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Index : Yes/No

Internet: Yes/No

To.

1. The Additional Sub-Ordinate Judge at Kancheepuram



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V.BHAVANI SUBBAROYAN,J.
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