



C.R.P. No. 2826 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No. 2826 of 2023
and
C.M.P.No.17479 of 2023

1. Parvathi

2. Dhanaraj

3. Subramanian

...Petitioners

.Vs.

Arjunan

1. Pachaiyammal

2. Vasuki

3.Ezhilarasi

...Respondents

Prayer: This Civil Revision Petition is filed under Section 115 of Civil Procedure Code to set aside the fair and decreetal orders passed in I.A.No.1 of 2019 in I.A.No.54 of 2013 in O.S.No.588 of 2004 on the file of the Additional District Munsif Court, Ariyalur dated 22.08.2022 and pass orders.



C.R.P. No. 2826 of 2023

For Petitioner : Mr. S. Kamadevan

WEB COPY

ORDER

This petition is filed to set aside the fair and decreetal orders passed in I.A.No.1 of 2019 on I.A.No.54 of 2013 in O.S.No.588 of 2004 on the file of the Additional District Munsif court, Ariyalur dated 22.08.2022.

2. The case of the petitioner herein is that an ex-parte order was passed in the main suit on 19.06.2008. Challenging the same the petitioner filed I.A.No.54 of 2013 to set aside the ex-parte decree and the same was dismissed for default on 04.09.2019. Thereafter, the petitioner filed I.A.No.1 of 2019 to restore the I.A.No.54 of 2013 and the same was dismissed vide order dated 22.08.2022 for the reason that there is no merits on the side of the petitioner and the further reasons stated for rejection is that if the petition is allowed it will be a bad precedent. Aggrieved over the same, the petitioner has come up with this petition.

3. The learned counsel for the petitioner submitted that due to illness only the petitioner was unable to represent the case and the same was not taken note by the learned Judge. He further submitted that the petitioners are taking all possible steps to set aside the exparte decree as



C.R.P. No. 2826 of 2023

well as subsequent applications, inspite of that there was a delay in proceeding the case. Hence prays to allow this petition.

4. On a perusal of records it is seen that the suit is of the year 2004 and the petitioner has initiated to file the I.A only in the year 2013 i.e after a lapse of more than 10 years. This petition is filed in the year 2023.

5. In view of the above, the order passed in I.A.No.1 of 2019 in I.A.No.54 of 2013 in O.S.No.588 of 2004 on 22.08.2022 on the file of the Additional District Munsif court, Ariyalur is confirmed. Accordingly this Civil Revision Petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petition is closed.

17.08.2023

smn

Index : Yes/No

Internet: Yes/No

To.

The Additional District Munisif Court, Perambalur.



WEB COPY



C.R.P. No. 2826 of 2023

V.BHAVANI SUBBAROYAN,J.
Smn

C.R.P. No. 2826 of 2023
and
C.M.P.No.17479 of 2023

17.08.2023