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C.M.P(MD).No.4826 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.M.P(MD).No.4826 of 2023

in

C.R.P(MD) SR.No.25598 of 2023

Muthayan ... Petitioner/Petitioner/Defendant

Vs.

Palani Chikku Gounder ... Respondent/Respondent/Plaintiff

PRAYER IN CRP(MD)SRNo.25598 of 2023:- This Civil Revision Petition has been filed under Article 115 of CPC, to set aside the order dated 18.11.2015 in I.A.No.210 of 2012 in O.S.No.50 of 2005 on the file of the Subordinate Judge, Theni.

PRAYER IN CMP(MD)No.4826 of 2023:- Civil Miscellaneous Petition is filed under Section 5 of Limitation Act to condone the delay of 2576 days in filing the above Civil Revision Petition.

For petitioner : No Appearance

ORDER

There is no representation on behalf of the petitioner.



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2.The petitioner is the defendant in O.S.No.50 of 2005 filed by the respondent before the Sub Court, Theni to recover a sum of Rs.1,20,000/- which was borrowed by the petitioner. In the said suit, the petitioner remained ex-parte and therefore, ex-parte decree was passed on 30.10.2007.

4.The specific case of the petitioner is that the petitioner had filed insolvency petition before the Sub Court, Theni in I.P.No.38 of 2004 for the some other transaction and therefore, the petitioner gone to Avinasi for livelihood. Subsequently, he was affected by jaundice and not in a position to contact his counsel. Under these circumstances, the petitioner has filed I.A.No.210 of 2012 for setting aside the ex-parte decree dated 30.10.2007 with the delay of 1533 days. Which came to be dismissed.

5.In my view, there was enormous delay in not only filing in this Civil Revision Petition but also in filing I.A.No.210 of 2012. Reasons given in the affidavit filed in support of the present petition are not sufficient to the Court to exercise its power for condoning the delay of 2576 of days in filing the Civil Revision Petition.



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6. Therefore, this Civil Miscellaneous Petition is dismissed.

Consequently, C.R.P.(MD)SR.No.25598 of 2023 is rejected.

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NCC : Yes/No

Index : Yes/No

Internet: Yes/No

dss

To

1. The Subordinate Judge,
Theni.

2. The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

dss

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