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C.R.P.(PD).No.281 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.281 of 2021
and CMP.No.2610 of 2021

1.S.Kamala
2.A.Thara
3.A.Geetha

... Petitioners

vs.

A.Johnson

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to allow the revision petition by setting aside the fair and decreetal order dated 05.11.2019 passed in I.A.No.1490 of 2018 in O.S.No.133 of 2015 passed by the Principal Subordinate Judge at Kancheepuram.

For Petitioners
For Respondent

: Mr.A.Abdul Kader
:Mr.R.Balachandran



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ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the petition to condone the delay of 654 days in seeking the application to set aside the ex-parte decree, the petitioners are before this Court.

2. The respondent herein filed a suit for specific performance against the petitioners. An ex-parte decree was passed against the the petitioners on 05.10.2016. Thereafter, the instant application has been filed to set aside the ex-parte with a delay of 654 days. In the affidavit filed in support of the petition to condone the delay seeking to set aside the ex-parte decree, it was stated by the petitioners that after service of summons, he handed over the same to his counsel at Chennai to appear and defend the case. However, an ex-parte decree was passed against him for his failure to file written statement. In the affidavit filed in support of the condone delay petition, the petitioners have not even stated when he acquired knowledge



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about the fact of ex-parte decree passed against them. It is not stated why the petitioners failed to follow the case for nearly two years. The present application for condoning the delay in filing the application to set aside ex-parte decree was prepared as earlier as in the year 2017 and the same had been numbered only in the year 2018. In such circumstances, the petitioners have not given any valid reason explaining the long delay of 654 days in filing the petition to set aside the ex-parte decree. The Court below has rightly exercised its discretion in dismissing the petition to condone the delay as the petitioners have failed to state any valid reason.

3. I do not find any infirmity or irregularity in the order passed by the Court below and accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

19.01.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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S.SOUNTHAR, J.

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To

The Principal Subordinate Judge,
Kancheepuram.

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