



C.R.P.(NPD).No.2117 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.2117 of 2021
and C.M.P.No.16107 of 2021

G.Arumugam

... Petitioner

vs.

1.A.Thangaraj
2.T.Pushpa

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of Code of Civil Procedure Code, against the fair and decreetal order dated 04.03.2021 made in I.A.No.1 of 2020 in M.C.O.P.No.366 of 2017, on the file of the learned Additional District Judge, Krishnagiri, Krishnagiri District.

For Petitioner : Mr.E.Kannadasan

For Respondents :Mr.M.Jayachandran
for R1 and R2



C.R.P.(NPD).No.2117 of 2021

ORDER

WEB COPY

This Civil Revision Petition is filed challenging the order passed by the Court below dismissing the petition filed by the petitioner seeking to condone the delay of 932 days in filing the petition to set aside the ex-parte decree passed in MCOP.No.366 of 2017 on the file of the Additional District Judge, Krishnagiri.

2. In the affidavit filed in support of the condone delay petition, it was stated by the petitioner that at the relevant point of time, he was away from his place and he could not contact his counsel and follow up the case. It was further averred that the fact of the ex-parte decree came to his knowledge only when he returned to his native place.

3. It is not the case of the petitioner that he has not received any notice in the original petition. A reading of affidavit filed by him would suggest that he was aware of pendency of the case and due to his non-availability in the native place, he could not contact his counsel and follow up the case. The petitioner cannot claim luxury of ignoring Court Proceedings



C.R.P.(NPD).No.2117 of 2021

merely because he was out of native place. The petitioner is not entitled to say that his absence in native place is a sufficient cause for his failure to contact his counsel and follow up his case. Hence, the petitioner has not made out any sufficient cause to condone the huge delay of 932 days and the Court below considering the vague averments made by the petitioner in the affidavit filed in support of condone delay petition not inclined to exercise its discretion in favour of the petitioner, who failed to show sufficient cause.

4. I do not find any infirmity in the order passed by the Court below especially when the Court below properly exercised its discretion and refused to condone the delay. Consequently, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

02.01.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
ub



WEB COPY



C.R.P.(NPD).No.2117 of 2021

S.SOUNTHAR, J.

ub

To

The Additional District Judge, Krishnagiri,
Krishnagiri District.

C.R.P.(NPD).No.2117 of 2021

02.01.2024