



WEB COPY



CRP.No.4956 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.No.4956 of 2024

Ramanadhan

.. Petitioner

Versus

Saroja

.. Respondent

Prayer:- Civil Revision Petition filed under Section 151 of Code of Civil Procedure, to set aside the fair and decretal order dated 20.08.2024 made in I.A.No.8 of 2023 in O.S.No.147 of 2004 on the file of the District Munsif Court, Uthangarai.

For Petitioner : Mr.T.Panchatsaram

ORDER

Challenging the order dismissing the application filed to condone the delay of 6495 days in setting aside the exparte order, the present revision petition is filed.



CRP.No.4956 of 2024

WEB COPY

2. The revision petitioner is the 9th defendant in the suit. The suit has been originally filed for partition and separate possession which was decreed on 10.03.2005. Of course, it was decreed exparte. Therefore, application was filed by the revision petitioner to set aside the exparte decree with a delay of 6495 days on the ground that he was suffering from Jaundice and was undertaking indigenous medicines in Bangalore. Therefore, he was not in a position to engage an advocate. According to him, Item No.1 in the schedule of properties in the suit was allotted to maternal grandmother of the petitioner namely Govindhammal in the year 1957 and subsequently partitioned into 4 equal shares after her death by her legal heirs on 27.09.2003 in the presence of witnesses and the Panchayat Muchalika was signed by the power agent of the respondent namely Padmanabhan. Similarly, the second schedule is allotted to Vadivel Chettiar in the year 1957 and was subsequently partitioned into four equal shares. According to the petitioner, the respondent is not entitled to any relief in the suit and the respondent falsely prosecuted the suit. The said application has been opposed by the respondent and the Trial Court after considering such huge delay of almost 18 years and the reasons adduced is



CRP.No.4956 of 2024

WEB COPY

not satisfactory and no sufficient cause was shown, dismissed the application.

3. Heard the learned counsel for the petitioner and perused the materials placed on record.

4. The suit has been filed for partition, the 9th defendant has come up with an application to set aside the exparte decree, that too after 18 years, wherein, right has been settled and crystallised and various transactions have also been taken place. The reasons assigned was that he was suffering from jaundice and therefore, he could not engage a lawyer. The very reasons assigned in view of this Court is highly improbable to contend that he was continuously suffering from jaundice for more than 18 years and very casual reasons have been made. Further, the Trial Court has recorded that in the year 2018, notice has been served and the petitioner was aware of the fact that he has engaged a lawyer. The document is also marked before the Trial Court.



CRP.No.4956 of 2024

WEB COPY

5. Considering the above, this Court is of the view that when a person comes before the Court to unsettle the settled issue, such person cannot be given audience, that too, after 18 years.

N.SATHISH KUMAR, J.,

dhk

6. Hence, I do not find any merits in this revision and accordingly, this revision petition stands dismissed. No costs.

05.12.2024

dhk

Index : Yes/No

Internet : Yes/No

To,

The District Munsif
District Munsif Court, Uthangarai

C.R.P.No.4956 of 2024



WEB COPY



CRP.No.4956 of 2024