



C.R.P.(PD).No.1924 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.1924 of 2020
and CMP.No.11779 of 2020

1.J.Velavan
2.Savithri

... Petitioners

vs.

Ramalingam

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order and decreetal order dated 17.10.2019 and made in I.A.No.3 of 2019 in O.S.No.51 of 2012 on the file of the District Munsif Court, Uthangarai and allow the above Civil Revision Petition.

For Petitioners : Mr.N.Ishtiaq Ahmed

For Respondent : Mr.K.Thiruvengadam



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ORDER

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The Civil Revision Petition is filed challenging the order passed by the Court below, dismissing the application filed by the petitioner seeking to condone delay of 1397 days in filing the application to set aside the ex-parte decree passed against him.

2. In the affidavit filed in support of the delay condonation petition, it was stated by the petitioners that the first defendant has filed a detailed written statement and the petitioners who are defendants 2 and 3 adopted the same. It was further stated by the petitioners that after commencement of the trial, a panchayat was held in the village in the presence of one Subramani and Murugan and in the said panchayat, the respondent/plaintiff agreed to withdraw the suit. Believing the words of the respondent in panchayat, the petitioners failed to follow up the suit and hence it was decreed ex-parte.

3. A perusal of typed set of papers would suggest that the written statement was filed by the first defendant in the suit and the same was



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adopted by the petitioners. Therefore, it is clear, the petitioners received summons in the suit and they also delivered their defence. Thereafter, they failed to follow up the case for nearly five years. The reason given by the petitioners, as if, believing the assurance given by the respondent, they kept quiet for more than five years is not at all acceptable. The trial Court on proper application of the facts rightly came to the conclusion that the petitioners failed to show sufficient cause for condoning the huge delay of 1397 days.

4. I do not find any error in the Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.02.2024

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

The District Munsif Court, Uthangarai.

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S.SOUNTHAR, J.

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