



CRP.No.1672 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

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A.V.Mahadevan

... Petitioner

Vs

G.Asokan

... Respondent

Prayer : Civil Revision Petition filed under Section 115 of CPC praying to set aside the fair and decreetal order dated 21.09.2023 made in I.A.No.1/2022 in O.S.No.153/2009 on the file of the Subordinate Judge, Ranipet, Vellore District.

For Petitioner : Mr.Sam Jayaraj Houston

ORDER

This civil revision petition is preferred against the order dismissing the application in I.A.No.1/2022 in O.S.No.153 of 2009 on the file of Subordinate Judge, Ranipet, Vellore District.



2. The revision petitioner herein is the defendant in O.S.No.153/2009.

An *exparte* decree was passed in the said suit on 02.08.2010. Now, he had filed an application in I.A.No.01/2022 to condone the delay of 4337 days in filing an application to set aside the *exparte* decree. This application came to be dismissed on 21.09.2023. Aggrieved by the same, the present revision is filed.

3. Heard Mr.Sam Jayaraj Houston, learned counsel for the petitioner.

4. This Court perused the material records. The ground on which the defendant/revision petitioner seeks to set aside the *exparte* decree is that he was sick from 2010 till he had filed this application in 2022. However, no medical records have been filed to substantiate the case. That apart, the affidavit filed in support of the condonation of delay application would also state that after the *exparte* decree was obtained in the year 2010, an execution petition in E.P.No.60/2011 was filed by the plaintiff/respondent, and the petitioner had received notice of the same and had engaged his counsel to contest the same. Thereafter, the plaintiff has taken out E.A.No.106/2019 for delivery of possession, and in the said proceedings also the petitioner was



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stated to have received the summons. It is a settled position of law that unless and until sufficient cause is shown, the Court should not entertain an application for condonation of delay. Let alone showing sufficient cause in the present case, I do not find any cause shown. Hence, I do not find any reason to interfere with the impugned order of the learned Trial Judge.

5. In the result, this revision petition stands dismissed. No costs.

18.04.2024

Index:Yes/No
Internet:Yes/No
Speaking order/Non-speaking order
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To:

- 1.The Subordinate Judge
Ranipet, Vellore District.
- 2.The Section Officer
VR Section, High Court, Madras.



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V.LAKSHMINARAYANAN,J.

ds

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