



C.R.P(NPD)(MD)No.1332 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(NPD)(MD)No.1332 of 2022

and

C.M.P.(MD)No.5503 of 2022

The Agasteeswaram Co-operative Primary Agricultural
and Rural Development Bank Limited-KN67,

Rep. by its Secretary,

Hindu College Road,

Nagercoil,

Agasteeswaram Taluk,

Kanyakumari District

... Petitioner/Petitioner/Respondent

vs.

1.K.Murugesan

2.Maharajan

... Respondents/Respondents/Petitioners

Prayer:- Civil Revision Petitions filed under Section 115 of C.P.C., against the Fair and Decreetal order passed in I.A.No.1 of 2020 in Redemption O.P.No.3 of 2002, dated 22.10.2021 on the file of the learned Principal Subordinate Court, Nagercoil.

For Petitioner : Mr.K.Vamanan

For Respondents : Mr.C.Dhanaseelan



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ORDER

The petitioner is a Co-operative Primary Agricultural and Rural Development Bank Limited. The petitioner has come up with the present civil revision petition aggrieved by the order in I.A.No.1 of 2020 in R.O.P.No.3 of 2002, dated 22.10.2021.

2.The said Interlocutory Application is filed by the petitioner's Cooperative Society to condone the delay of 5952 days in filing the application to set aside the *ex parte* order which is passed in R.O.P.No.3 of 2002. The respondents herein had borrowed a sum of Rs.2,56,100/- as on 21.12.1997. After making various payments throughout 1997, 1998, 1999, 2000 and 2002, the respondents filed the present Redemption O.P.No.3 of 2002 by furnishing a statement of accounts.

3.According to the respondents, the sum required to be paid was Rs.4,17,162/- which included the interest at the rate of 17.5% per



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annum. As per the statement of accounts, the petitioner has repaid a sum of Rs.3,36,431/- and there was also a share amount of Rs.12,820/- and the dividend amount of Rs.684/- including the interest on such amounts. The statement of accounts showed a sum of Rs.4,18,982/- was payable, then Rs.4,17,162/- is paid. Since there was an excess of Rs.1,820/- to be paid, the trial Court decreed the ROP by directing the said sum to be paid and ordered the redemption. The said order was passed on 21.10.2003. The present application is filed in I.A.No.1 of 2020, by stating that only in the year 2020, when a notice was issued, the borrower came to the Society and shouted at the officials stating that already a Court order is there and only thereupon it was ascertained. The said reasoning on the face of it cannot be countenanced. Because firstly, there was a counsel who was appointed in the ROP also. Secondly, when the order was passed in the year 2003, no reasoning whatsoever is mentioned regarding sending of notices or the amount being pending in the annual statement of accounts etc.



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4.In the absence, when such a huge delay is there and when no sufficient reasons are given, the trial Court has rightly dismissed the application and the Civil Revision Petition is without any merits and its accordingly, dismissed. No costs. consequently, connected miscellaneous petition is closed.

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NCC : Yes / No
sjj

To

The Principal Subordinate Court, Nagercoil.



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D.BHARATHA CHAKRAVARTHY, J.

sjj

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