



WEB COPY

C.RP(MD)No1643 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 25.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

C.R.P(MD)No.1643 of 2024

1.Arockiadoss @ Mani
2.Jerold
Chinnar(Died)
3.Johnson
4.Raja @ Kothanar Raja
5.Royar @ Royappan

... Petitioners/Petitioners/
Defendants

Vs.

1.Dr.A.Devadoss
2.Savithiri Devadoss

...Respondents/
Respondents/Plaintiffs

Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to call for the records in pertaining to the order dated 15.03.2024 made in I.A.No.1 of 2022 in O.S.No.114 of 2014 on the file of the Principal Sub-Judge, Palani and set aside the same.

For Petitioner

:Mr.M.Ganesan

**ORDER**

The Civil Revision Petition is directed against the order dated 15.03.2024 made in I.A.No.1 of 2022 in O.S.No.114 of 2014 on the file of the Principal Sub-Judge, Palani.

2.The said interlocutory application is filed to condone the delay in filing the application to set aside the ex-parte decree. The ex-Parte decree was passed on 20.04.2016 and the application is now filed to condone the delay of 2245 days. The reasons mentioned in the affidavit is that the counsel failed to inform them of the stage of the case. It is already well settled that it is for the party to contact the counsel and get apprised of the stage of the case. Therefore the reason mentioned in the affidavit filed in support of the application can never be held to be a sufficient reason.

3.This apart, the defendants are the legal heirs of one Manoharan. The suit is filed by tracing title to the said Manoharan and claiming that the said Manoharan sold the property to the plaintiffs. In the written statement, every other fact is admitted, except the fact that the said Manoharan has sold the property. In that background, when the trial Court has considered the huge delay and rejected the petition, this Court does not find any compelling



C.RP(MD)No1643 of 2



reason to interfere in the order of the trial Court. Accordingly, the Civil
Revision Petition stands dismissed. No costs.

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NCC:Yes/No
Ns

To

The Principal Sub-Judge,
Palani.



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C.RP(MD)No1643 of 2



D.BHARATHA CHAKRAVARTHY, J.

Ns

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