



C.R.P.(MD)No.1363 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2024

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.1363 of 2024

and

C.M.P.(MD)No.7951 of 2024

K.Arunachalam

... Petitioner

Vs.

K.Manivasagam

... Respondent

PRAYER : Civil Revision Petition is filed under Section 115 of C.P.C., against the fair and decreetal order, dated 18.03.2024, made in I.A.No.1 of 2023 in O.S.No.19 of 2019 on the file of the Principal Subordinate Court, Karur.

For Petitioner : Mr.P.Rajagopalan

For Respondent : Mr.V.Muthukamatchi

ORDER

The suit was filed for recovery of money which was paid to the defendant under promissory note. The defendant remained exparte and the suit was decreed



directing the defendant to pay Rs.9,27,500/- at contractual rate of interest. The plaintiff had preferred E.P.No.40 of 2022.

2. In the meanwhile, the defendant preferred I.A.No.1 of 2023 to set aside the exparte decree along with condone delay application to condone the delay of 884 days delay. In the said application the defendant had stated that he was down with viral fever. Hence, he had filed the petition to set aside the exparte decree with the delay of 884 days. After hearing the submissions of the defendant, the Trial Court had allowed the said interlocutory application with a cost of Rs. 2,000/-Aggrieved over the same, the plaintiff has preferred the present civil revision petition on the ground that 884 days delay was inordinate delay and the defendant had not stated any reasons for the huge delay.

3. After hearing the arguments this Court is of the considered opinion that the delay of 884 days is an inordinate delay and the defendant / respondent herein has not substantiated through any medical certificate. However, the contention of the respondent is that he had not received any amount from the plaintiff. Hence in order to grant one more opportunity to contest the case, this Court is inclined to allow the Civil Revision Petition on condition. Therefore, this Court is imposing a



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cost of Rs.7,500/- payable by the defendant / respondent herein to the plaintiff / petitioner herein. Also, the defendant is also directed to deposit Rs.2,75,000/- in an interest accruing deposit to the credit of O.S.No.19 of 2019 before the Trial Court and the same shall not be withdrawn by the plaintiff. The Trial Court is directed to complete the suit within a period of four months from the date of receipt of a copy of this order.

4.With the above said directions, this civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

13.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

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To

1.Principal Subordinate Court, Karur.

2.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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