



WEB COPY

CRP No. 2263 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRP No. 2263 of 2025

and

CMP No.13105 of 2025

S.Ravi

Petitioner(s)

Vs

1. Manimegalai

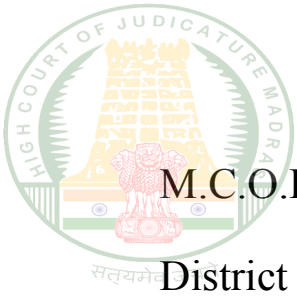
2. M. Govindan

3. Nagapriya

4. Moorthy

Respondent(s)

Prayer : This Civil Revision Petition has been filed under Section 115 of CPC to set aside the order made in I.A.No.1 of 2024, in



M.C.O.P.No.521 of 2015, dated 06.01.2025 on the file of the Special District Court, Krishnagiri.

WEB COPY

For Petitioner: M.Sridevi

ORDER

Challenge has been made to the order of the Trial Court dismissing the application filed by the revision petitioner in I.A.No.1 of 2024 in MCOP No.521 of 2015 dated 06.01.2025 to condone the delay of 2502 days in filing the petition to set aside the exparte decree dated 30.01.2017 passed in the MCOP No.521 of 2015.

2. The petitioner was arrayed as the first respondent in MCOP No.521 of 2015. The said MCOP has been filed for seeking compensation on account of the death of one Karthik, who was working as an HR Executive in Day 'N' Day Services Private Limited, Chennai, and therefore, the legal heirs claim compensation *inter alia* contending that the accident was due to rash and negligent driving by the driver of the car. The revision petitioner is the owner



WEB COPY

of the said car. The said MCOP No.521 of 2015 was tried along with MCOP No.246 of 2015, and a joint trial was conducted. P.Ws.1 to 5 were examined and Ex.Ps.1 to P.16 were marked and RW1 and RW2 were examined and Ex.R.1 was marked.

3. In the said MCOP, revision petitioner/first respondent, who is the owner of the car, remained exparte. However, the matter has been contested by the other respondents and on contest, a sum of Rs.15,26,000/- was awarded as compensation. Out of which, 50% of the award amount was ordered to be paid by the revision petitioner/first respondent fixing 50% negligence attributed to the driver of the car with proportionate interest. Now, the application has been taken out by the revision petitioner, who is the owner of the car, that he has sold the said car to one Durairaj and it was handed over to him. When the MCOP was posted for counter, he went to Hyderabad and working there for about 9 months, and he has also contacted his lawyer over phone and his lawyer assured that he will take care of everything. Therefore, the he is not aware of the case details. Subsequently, his father died in the year 2018. Thereafter, the revision



petitioner is also affected by Covid 19 and his mother died in the year 2021.

Again the petitioner was affected by Covid 19 in the year 2021. Therefore,

there is a delay of 2502 days in filing a petition to set aside the exparte decree,

dated 30.01.2017. The said application has been opposed by the respondents.

The Trial Court, after considering the fact that no sufficient cause has been

shown for condoning such a huge days of delay, dismissed the application on

06.01.2025.

4. I have heard the learned counsel for the petitioner and perused the materials available on records carefully.

5. On perusal of the application filed by the revision petitioner to condone the delay under Section 5 of the Limitation Act, it is seen that the very application is filed to set aside the detailed order passed by the Tribunal, which cannot be set aside on the ground of exparte. Though the petitioner has not filed a counter, others have contested the matter and evidence has been recorded on both sides and final orders have been passed. Therefore, it cannot be said



that it is only an exparte order.

WEB COPY

6. Further the petitioner has come out with an application to condone the delay of 2502 days contending that he has instructed his lawyer and his lawyer has assured him that he would take care of the case. Therefore, he did not know the details of the case. Such reasons, in view of this Court, are not sufficient. The litigant's responsibilities will not be absolved the moment handed over the case to the lawyer. The litigant must be vigilant throughout the proceedings. Without following the case, which is pending against him in the Court of law, he cannot later blame the lawyer. The reasons assigned do not satisfy the requirement of the Court to condone such a huge delay. The petitioner at the most ought to have challenged the well considered order of the Tribunal passed on contest, and not an application set aside the exparte decree. Therefore, I do not find any merit in the revision petition and the same is liable to be dismissed.



7. Accordingly, the Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

WEB COPY

04-07-2025

2/2

mrp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Special District Court,
Krishnagiri.



WEB COPY

CRP No. 2263 of 2025



N.SATHISH KUMAR J.

mrp

CRP No. 2263 of 2025

2/2

04-07-2025