



CRP.No.90 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP.No.90 of 2025
and C.M.P.No.789 of 2025

A.Ashokan

... Petitioner

Versus

R.Chandrasekaran

... Respondent

Prayer: Petition filed under Section 115 of Code of Civil Procedure, to set aside the order dated 20.09.2024 passed by the learned Additional Sub Judge, Puducherry in IA.No.2 of 2023 in O.S.No.42 of 2013.

For petitioner : Mr.S.Venkatesan

ORDER

Challenging the impugned order dismissing the application filed to condone the delay of 3329 days in setting aside the exparte decree dated 22.04.2014 passed in O.S.No.42 of 2013, the revision is filed.



2. The suit has been filed for recovery of money of Rs.2 lakhs. In the above suit, the petitioner engaged an advocate and he was set exparte on 22.04.2014, thereafter, exparte decree is also passed. Further, an application was taken out to condone the delay of 3329 days in filing the exparte decree. The main reason assigned in the application is that he had engaged an advocate namely Ramesh, who had informed the him that he will take care when the case was posted for trial. However, only on receipt of notice in EP, he came to know about the exparte decree. According to the petitioner, if the advocate had properly informed him, he would have contested the case. Hence, sought to condone the delay. The Trial Court after assessing the reasons dismissed the application vide impugned order. Hence, this revision.

2. The learned counsel for the petitioner submitted that only on the mistake of the advocate, he remained exparte, hence, seeks indulgence of this Court to contest the matter on merits.

3. Since no adverse order is passed against the respondent, notice to the respondent is dispensed with.



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4. Heard the learned counsel for the petitioner and perused the materials placed on record.

5. The reasons assigned in the affidavit itself indicate that the petitioner is not diligent in pursuing the matter. Just handing over the case to the advocate will not absolve the responsibility of the litigant in pursuing the case. It is for the litigant to scrupulously know the status of the case, therefore, at the later stage, that too, after 9 years, the petitioner cannot just blame the lawyer for such delay. Hence, this Court is of the view that the reasons assigned in the petition is not satisfied and there is no sufficient cause. If these types of reasons are accepted by this Court, there will be no end to the civil litigation and one may even unsettle the settled things after many years. Such view of the matter, I do not find any merits in the revision and accordingly, this revision stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

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Speaking/non speaking order
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N. SATHISH KUMAR, J.

To,

The Additional Sub Judge
Additional Sub Court, Puducherry

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