



C.R.P(MD)No.397 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.397 of 2025

and

C.M.P(MD)No.2265 of 2025

Panchavarnam

... Petitioner/Petitioner/
Defendant

Vs.

Senguttuvan

... Respondent/Respondent/
Plaintiff

PRAYER: Civil Revision Petition is filed under Section 115 of Code of Civil Procedure, to set aside the order dated 11.10.2018 passed in I.A.No.32 of 2018 in TSC O.S.No.11 of 2011 on the file of the Learned Sub Court, Lalgudi, Trichy District by allowing this Revision Petition.

For Petitioner : Mr.S.Karthik

For Respondent : Mr.M.Thirunavukkarasu



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ORDER

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The defendant in TSC O.S.No.11 of 2011 on the file of Sub Court, Lalgudi, Trichy is the revision petitioner herein.

2. The respondent herein as plaintiff has filed the above said suit for the relief of recovery of money based upon a pro-note. Since the defendant had not filed a written statement, he was set ex parte on 04.03.2013 and an ex parte decree came to be passed. The defendant had filed an application on 23.03.2015 to condone the delay of 719 days in filing an application to set aside the ex parte decree. A perusal of the affidavit filed in support of the said application reveals that since the petitioner was suffering from Jaundice, he could not contact his counsel for the purposes of filing a written statement. This application came to be numbered only in the year 2018. The trial Court has disbelieved the reasons assigned by the defendant and has dismissed the application on 11.10.2018. Thereafter, the present revision petition has been filed with a delay and the revision petition has been numbered in the year 2025.



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3. According to the learned counsel appearing for the revision petitioner, though the defendant had received only Rs.2 Lakhs, he had executed a pro-note for a sum of Rs.5 Lakhs. Therefore, he has got a good defence in the suit and he may be permitted to defend the proceedings.

4. The learned counsel appearing for the respondent/plaintiff had pointed out that the suit is of the year 2011 and the defendant had chosen to file the application to condone the delay in setting aside the ex parte decree after a period of two years and the revision petition has been numbered after a period of seven years.

5. Considering the dates and events, this Court is of the considered view that huge delay has been caused by the defendant in filing a written statement as well as in filing of the present revision petition. The reasons assigned in the affidavit that the petitioner was suffering from Jaundice and he could not contact his counsel for two years are not believable. There are no merits in the revision petition.



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WEB COPY 6. Hence, this Civil Revision Petition stands dismissed. No costs.

Consequently, connected Civil Miscellaneous Petition is closed.

17.02.2025

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

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To

- 1.The Sub Court, Lalgudi,
Trichy District.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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