



C.R.P.(MD)No.733 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.733 of 2021

and

C.M.P.(MD)No.3981 of 2021

Sri Ram Chits Tamil Nadu (Pvt.) Ltd.,
Chit Company Through its
Branch Manager,
K.Senthilkumar
S/o.Kuppusamy
No.3, Manakavalam Pillai Hospital Road,
J.K.Complex,
Palayamkottai,
Tirunelveli District.

...Petitioner

Vs.

K.Gomathi

...Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, praying to set aside the order passed in I.A.No.01 of 2019 in O.S.No.435 of 2012 on the file of the Principal District Munsif Court, Tirunelveli dated 30.09.2020 and allow the Civil Revision Petition.



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For Petitioner : Mr.J.Jeyakumaran

For Respondent : No appearance

ORDER

This petition has been filed seeking to quash the order passed in I.A. No.01 of 2019 in O.S.No.435 of 2012 on the file of the Principal District Munsif Court, Tirunelveli dated 30.09.2020.

2.Learned Counsel for the petitioner would submit that the petitioner herein is the judgment debtor. The respondent herein is the decree holder. The respondent filed recovery of money suit in O.S.No.435 of 2012 and an ex-parte order was passed. Thereafter, the respondent filed E.P.No.84 of 2014 and order of attachment was passed on 26.10.2018, against which, the petitioner filed a revision petition before this Court in C.R.P.(MD)No.84 of 2019. This Court by its order dated 04.02.2020 allowed the Civil Revision Petition and set aside the EP proceedings and granted liberty to the respondent to file a fresh execution petition. Further, learned Counsel for the petitioner submits that immediately after coming to know about the EP notice, the petitioner filed a set aside application to set aside the ex-parte order in unnumbered I.A. in the year 2014 along with delay petition with a delay of 336 days. However, that I.A. was



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misplaced. Thereafter, the petitioner made a complaint to the Principal District Judge. Learned Principal District Judge, by order dated 01.03.2019 and 07.03.2019 granted liberty to the petitioner to file fresh condone delay petition to set aside the ex-parte order. Thereafter, the petitioner filed the present I.A.No.1 of 2019 for condoning the delay of 1852 days to set aside the ex-parte decree. Delay petition was dismissed. Challenging the same, the present Civil Revision Petition has been filed.

3.Learned Counsel for the petitioner further submits that initially the delay was 336 days from the date of receipt of the EP notice. However, I.A. papers were misplaced, thereby, on the basis of the order passed by learned Principal District Judge, the present I.A. is filed with a delay of 1852 days. Further, as per the direction of this Court, the entire decree amount has been deposited before the trial Court. Hence, dismissing the I.A. and allowing the respondent to withdraw the amount is not tenable one and there must be a contest before the trial Court. Accordingly, he prays for appropriate orders.

4.Though the name of the respondent is printed in the cause list, none appears. Considering the pendency of this Civil Revision Petition, this Court is inclined to dispose of the same based on the materials available on record.



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5.The respondent / plaintiff is one of the subscribers of the chit conducted by the chit company. She claimed that she paid 8 installments and since she could not continue with the chit. When the same was informed to the petitioner / defendant, the amount paid by the respondent was not paid to her. Therefore, she filed a suit for recovery of money. Admittedly, the suit was decreed as against the petitioner vide order dated 06.09.2013. The petitioner claims that he came to know about the ex-parte order only after receipt of the EP order. However, the trial Court by its order dated 30.09.2020, on perusal of the entire records revealed that the petitioner received the suit notice on 19.10.2012 and he engaged an Advocate. Thereafter, the said Advocate has not filed any vakalat. Having receipt of the suit notice, the petitioner did not appear before the trial Court. Thereby, ex-parte decree was passed on 06.09.2013. Thereafter, only after receipt of the E.P. notice, he came to know about the ex-parte order. The averments stated by the petitioner that the earlier I.A. got misplaced and thereafter, fresh I.A. was preferred with 1852 days delay are false and admittedly, the petitioner received the notice on 19.10.2012, as per the records. With the false averment, he filed a fresh I.A. Further, the petitioner has not explained each and every day delay before the trial Court. Earlier delay of 336 and subsequent delay of 1852 days have not been properly explained. Thereby,



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the trial Court rejected the application, which need not be interfered with.

Accordingly, the trial Court is directed to disburse the amount to the respondent within a period of four [4] weeks from the date of receipt of a copy of this order.

6. Accordingly, the Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Internet: Yes/No

Index: Yes/No

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To

- 1.The Principal District Munsif Court,
Tirunelveli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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