



C.R..P.(NPD)(MD).No.1216 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.1216 of 2025

1. Mani
2. M.Anandh

... Petitioners/Petitioners/
Defendants

Vs.

1. Nirmaladevi
2. Seenivasan

... Respondents/Respondents/
Plaintiffs

PRAYER: Civil Revision Petition filed under Section 115 of C.P.C., to set aside the fair and decreetal order passed in I.A.No.203 of 2021 in O.S.No.5 of 2016 on the file of the District Munsif-cum-Judicial Magistrate No.1, Kodaikanal, Dindigul District, dated 20.02.2025 and allow the Civil Revision Petition.

For Petitioners : Mr.C.Vakeeswaran

ORDER

The defendants in O.S.No.5 of 2016 on the file of the District Munsif -cum-Judicial Magistrate No.1, Kodaikanal, Dindigul District, have filed the



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present Civil Revision Petition challenging the dismissal of their application to condone the delay of 1109 days in filing an application to set aside the *ex parte* decree.

2. A perusal of the records reveal that the suit has been filed by the respondents herein for the relief of permanent injunction and mandatory injunction. Though the suit was pending for nearly two years, the defendants have not filed any written statement and therefore, they were *ex parte* and an *ex parte* decree came to be passed on 27.06.2018. The defendants had filed I.A No.203 of 2021 on 12.08.2021 to condone the delay of 1109 days in filing an application to set aside the *ex parte* decree.

3. A perusal of the affidavit reveals that the defendants had contended that their counsel had not informed about the date of hearing and he was not keeping in good health. Therefore, he could not file any written statement. Except the said reason, no other legally acceptable reason has been assigned for condoning the huge delay of more than three years. The trial Court has rightly found that the delay has not been explained and has proceeded to dismiss the said application.



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4. It is informed that the decree holder has not filed the execution petition within a period of three years. This Court is not inclined to interfere in the order passed by the trial Court and there are no merits in this Civil Revision Petition.

5. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs.

17.04.2025

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

1. The District Munsif -cum-Judicial Magistrate No.1,
Kodaikanal, Dindigul District
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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