



C.R.P.(NPD)(MD)No.2533 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.2533 of 2023

Sivaraj

...Petitioner/Petitioner
Petitioner/Defendant

Vs.

Perumalsamy

...Respondent/Respondent
Respondent/Plaintiff

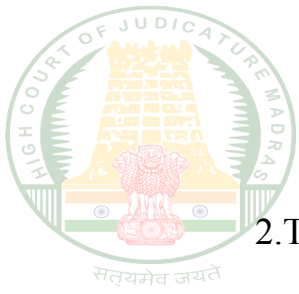
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the Fair and Decretal order made in I.A.No.278 of 2022 in I.A.No.605 of 2018 in O.S.No.150 of 2013 on the file of the District Munsif Court, Oddanchatram, dated 13.06.2023.

For Petitioner : M/s.D.Venkatesh

For Respondent : No appearance

ORDER

The defendant in O.S.No.150 of 2013, on the file of the District Munsif Court, Ottanchathiram, is the revision petitioner herein.



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2.The respondent in the revision petition as plaintiff had filed the above suit for recovery of money, based upon a pro-note. The defendant had remained ex-parte and an ex-parte decree came to be passed on 23.12.2014.

3.The defendant had filed I.A.No.605 of 2018, to condone the delay of 1329 days in filing an application under Order 9 Rule 13 of C.P.C. This application was dismissed for default on 17.12.2020. The defendant had filed I.A.No.278 of 2022, to condone the delay of 559 days in filing an application to restore I.A.No.605 of 2008. This application has been dismissed by the trial Court. Challenging the same, the present revision petition has been filed.

4.According to the learned Counsel appearing for the revision petitioner, the trial Court ought to have properly appreciated the reasons assigned by the defendant in filing an application in I.A.No.278 of 2022. This Court has pursued the affidavit filed in support of the condone delay application. The defendant had simply stated that he was taking treatment for Diabetes and therefore, he was not in a position to file an application in time. This reason assigned has not been believed by the trial Court.



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5.Considering the fact that already there is a delay of 1329 days in filing an application under Order 9 Rule 13 of C.P.C., the present delay in filing the restoration application makes the case still worse. The reason assigned for such a huge delay is not believable. There are no merits in the revision petition. Accordingly, this Civil Revision Petition stands dismissed. No costs.

17.02.2025

Internet:Yes/No
Index:Yes/No
RJR

To

The District Munsif Court, Oddanchatram,

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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