



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1815 of 2022 and 434 of 2018
and C.M.P.(MD).Nos.1906 of 2018 and 8182 of 2022

1.Ashoka Devi

2.Saraswathi

3.Jeya Sree

...Petitioners
in both petitions

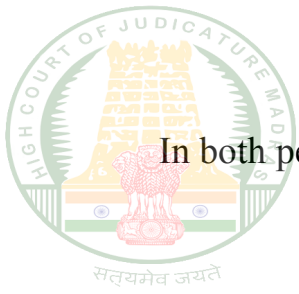
Vs.

V.-Shabu

...Respondent
in both petitions

PRAYER in C.R.P.(MD).No.1815 of 2022: Civil Revision Petition is filed under Section 115 CPC to set aside the order passed in I.A.No.82 of 2017 in A.S.S.R.No.147 of 2015 on the file of the Sub Court, Kuzhithurai, dated 06.04.2018.

PRAYER in C.R.P.(MD).No.434 of 2018: Civil Revision Petition is filed under Section 115 CPC against the order passed in E.P.No.90 of 2014 in O.S.No.383 of 2010 on the file of the learned Principal District Munsif, Kuzhithurai dated 08.01.2018.



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In both petitions

For Petitioners : Mr.C.K.M.Appaji

For Respondent : Mr.G.Ramanathan

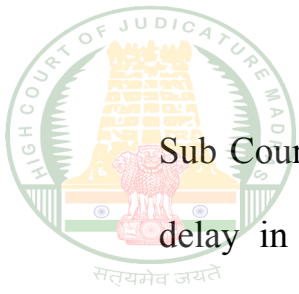
COMMON ORDER

C.R.P.(MD).No.1815 of 2022 has been filed seeking to set aside the order passed in I.A.No.82 of 2017 in A.S.S.R.No.147 of 2015 on the file of the Sub Court, Kuzhithurai, dated 06.04.2018.

2. C.R.P.(MD).No.434 of 2018 has been filed seeking to set aside the order passed in E.P.No.90 of 2014 in O.S.No.383 of 2010 on the file of the learned Principal District Munsif, Kuzhithurai dated 08.01.2018.

3. The petitioners are the defendants in O.S.No.383 of 2010 filed by the respondent before the learned Principal District Munsif, Kuzhithurai, seeking declaration and delivery of possession of the suit property. The suit was decreed on 20.08.2013 in favour of the respondent. Pursuant to the decree, the respondent initiated execution proceedings in E.P.No.90 of 2014, which was allowed on 08.01.2018. Challenging the same, the petitioners filed C.R.P. (MD).No.434 of 2018.

3.(i). Aggrieved by the judgment and decree in O.S.No.383 of 2010, the petitioners filed an unnumbered appeal in A.S.S.R.No.147 of 2015 before the



Sub Court, Kuzhithurai, along with I.A.No.79 of 2015 seeking condonation of delay in filing the appeal. However, I.A.No.79 of 2015 was dismissed for default on 01.07.2016. Thereafter, the petitioners filed I.A.No.172 of 2016 seeking to restore I.A.No.79 of 2015. This too was dismissed for default on 15.11.2016. Subsequently, the petitioners filed I.A.No.82 of 2017 to condone the delay of 10 days in filing the restoration application. The said I.A.No.82 of 2017 was dismissed on 06.04.2018. Aggrieved by this, the petitioners have filed C.R.P.(MD).No.1815 of 2022.

4. The learned counsel for the petitioners would submit that the respondent is a money lender and that the petitioners had borrowed money from him. It was further submitted that under the guise of securing the loan, the respondent had fraudulently obtained a sale deed dated 16.05.2003. Accordingly, he prays for allowing these petitions.

5. The learned counsel appearing for the respondent would submit that though the decree was passed in 2013, the appeal was filed only in 2015. The repeated applications were filed to condone delay and restore earlier petitions which were dismissed for default, and these revision petitions are only an attempt to delay the execution of the decree.



6. A perusal of the records reveals that the petitioners had multiple opportunities to pursue their appeal against the decree passed in O.S.No.383 of 2010. However, each application filed by them, including those seeking condonation of delay and restoration, was dismissed for default due to their non-prosecution. The reasons assigned for the delay and non-filing of appeal within the prescribed time do not appear to be convincing or bona fide. The petitioners have failed to show sufficient cause for the delay and the repeated defaults. As regards the execution petition, the same has been rightly allowed by the Executing Court since the decree granted in favour of the respondent remains unchallenged and binding.

7. In view of the above, both the Civil Revision Petitions are devoid of merits and are liable to be dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

17.07.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The Principal District Munsif, Kuzhithurai.

2.The Sub Court, Kuzhithurai.



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

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M.DHANDAPANI, J.

TSG

C.R.P.(MD)No.1815 of 2022 and 434 of 2018

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