

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 27.02.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P (NPD)No.1937 of 2014
and M.P.No.1 of 2014

1.P.Srinivasan
2.P.Gajendiran
3.P.Dasarathan
4.P.Jaya
5.P.Balaji

... Petitioners / Defendants 1,2,3,6 & 7

Vs

1.P.Raniammal ... 1st Respondent / Plaintiff
2.P.Chinnammal ...2nd Respondent / 4th Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 04.10.2013 in I.A.No.444 of 2012 in O.S.No.69/2010 on the file of the Subordinate Court, Poonamallee.

For Petitioners : M/s.V.Raghavachari

For Respondents : Mr.G.B.Sabaridas for R1
No appearance for R2

ORDER

The revision is directed against the order passed in I.A.No.444 of 2012 in O.S.No.69/2010 on the file of the Subordinate Court, Poonamallee.

2. Heard Mr.V.Raghavachari, learned counsel for the petitioners and Mr.G.B.Sabaridas, learned counsel for the 1st respondent.

3. The petitioners have filed I.A.No. 444 of 2012 in O.S.No.69/2010 under Section 5 of the Limitation Act to condone the delay of 333 days in filing the petition to set aside the exparte preliminary decree dated 17.09.2010. The trial court dismissed the application holding that the petitioners have not explained the delay in filing the set aside petition.

4. The learned counsel for the 1st respondent submitted that he has no objection in allowing this revision.

5. In view of the above facts and the submission made by the learned counsel for the 1st respondent, this Civil Revision Petition is allowed. The order dated 04.10.2013 passed in I.A.No.444 of 2012 in O.S.No.69/2010 is hereby set aside. The trial court is directed to dispose of the suit in O.S.No.69/2010, within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

27.02.2015

Index:Yes/No
rgr

Note : Issue order copy by 06.03.2015

To

The Subordinate Judge,
Poonamallee.

K.KALYANASUNDARAM,J

rgr

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