

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2015

CORAM:

THE HONOURABLE **MR.JUSTICE K.KALYANASUNDARAM**

C.R.P.(P.D.).No.4550 of 2014 &
M.P.No.1 of 2014

N.Mahalakshmi

..Petitioner

Vs

1.P.Jayanthi
2.G.Chinnasamy Mandiri
3.C.Govindasamy
4.Palanisamy
5.K.P.Narasimman

...Respondents

Prayer:- The Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records of the lower court and set aside the order and decretal order, dated 08.10.2014 passed in I.A.No.514 of 2014 in O.S.No.962 of 2009 by the learned Principal District Munsif Judge, Katpadi.

For Petitioner : Mr.D.Saikumaran

For Respondent : No Appearance

ORDER

The Civil Revision Petition is directed against the order dated 08.10.2014 passed in I.A.No.514 of 2014 in O.S.No.962 of 2009 on the file of Principal District Munsif Judge, Katpadi.

2.The petitioner is the defendant in O.S.No.962 of 2009 on the file of the Principal District Munsif Court, Katpadi. The respondent filed a

suit for declaration and permanent injunction. The petitioner was set exparte on 28.07.2009 and she filed I.A.No.514 of 2014 in O.S.No.962 of 2009 to set aside the exparte order stating that plot No.20 was settled by the father/first defendant in her favour on 23.02.2004. After receiving the suit summons, she was informed by her father, she will look after the case. Now only, she came to know that the plaintiff has filed the suit for declaration of Plot Nos.19 and 20.

3. The application was opposed by the respondent stating that the suit is posted for cross examination of D.W.2 and the application was filed in a belated stage. The learned Principal District Munsif Judge, dismissed the application holding that the Civil Revision Petition was filed after five years.

4. The learned counsel for the petitioner has submitted that the suit was filed for declaration and permanent injunction and she could be given an opportunity to defend the case . The learned counsel further submitted that the suit was originally filed before the Principal District Munsif Court, Katpadi and thereafter, she was not aware of the transfer of the suit.

5.Considering the nature of the prayer sought for in the suit and submissions made by the learned counsel for the petitioner, this Court is inclined to set aside the order passed in I.A.No.514 of 2014 in

O.S.No.962 of 2009 on the file of the Principal District Munsif Court. In fine, the Civil Revision Petition is allowed on payment of cost of Rs.5,000/- (Rupees five thousand only) to the first respondent, within a period of two weeks from the date of receipt of a copy of this order. Consequently connected miscellaneous petition is closed.

26.02.2015

Index: Yes/No
Internet: Yes/No
kkd

To
Principal District Munsif,
Katpadi.

K.KALYANASUNDARAM,J.,

kkd

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