

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.07.2015

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.2564 of 2015 &

M.P.No.1 of 2015

C.Baskaran

... Petitioner

v.

1.Chinnappa Reddy

2.T.C.Anandan

3.C.Ramesh

4.T.C.Thirumal

5.Geetha

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 12.11.2014 made in I.A.No.779 of 2014 in O.S.No.183 of 2010 on the file of Principal District Munsif, Vellore.

For Petitioner : Mr.P.Seshadri

O R D E R

Challenging the fair and final order passed in I.A.No.779 of 2014 in O.S.No.183 of 2010 on the file of Principal District Munsif Court, Vellore, the plaintiff has filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S.No.183 of 2010 for partition and separate possession. Subsequently, the defendants remained absent. Therefore, they were set ex-parte and an ex-parte order was passed on 8.2.2011. Thereafter, the defendants filed an application in I.A.No.779 of 2014 to set aside the ex-parte order dated 8.2.2011 and permit them to file written statement. The application was contested by the plaintiff.

3. The Trial Court, after taking into consideration the case of both the parties, set aside the ex-parte order dated 8.2.2011 on payment of cost of Rs.2,000/-.

4. Since the application was filed by the defendants to set aside the ex-party order, in order to give one more opportunity and in the interest of justice, the Trial Court has rightly allowed the application, that too, on payment of cost of Rs.2,000/-.

5. In these circumstances, the order passed by the Trial Court is just and proper. I do not find any reason to interfere with the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Since the suit is pending from 2010, I direct the Principal District Munsif Court, Vellore to dispose of the suit in O.S.No.183 of 2010 on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : No
Internet : Yes

22.07.2015

Rj

To

The Principal District Munsif Court,
Vellore

M. DURAISWAMY,J.,

Rj

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