

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.2774 of 2015

R.Vijayakumar

... Petitioner

Vs.

M.Shanmugasundaram

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India seeking for a direction to direct the Principal District Munsif Court, Coimbatore to dispose of I.A.No.2393 of 2014 in O.S.No.1727 of 2011 within the stipulated time.

For Petitioner : Mr.R.Marudhachalamurthy

ORDER

The defendant in O.S.No.1727 of 2011 on the file of the Principal District Munsif Court, Coimbatore, has filed the above Civil Revision Petition to direct the trial Court to dispose of the application in I.A.No.2393 of 2014 within the stipulated time.

2.The plaintiff filed the suit in O.S.No.1727 of 2011 for declaration. Since the defendant failed to appear before the trial Court, an ex-parte order was passed on 28.04.2014. Thereafter, the defendant filed an

application in I.A.No.2393 of 2014 under Section 5 of the Limitations Act to condone the delay of 132 days in filing the petition to set aside the ex-parte decree.

3.According to the learned counsel for the petitioner, the plaintiff filed his counter and is contesting the application. Further, the learned counsel submitted that since the application is pending for more than one year, the petitioner/defendant is put to hardship and prejudice.

4.Having regard to the submissions made by the learned counsel for the petitioner, taking into consideration the limited prayer sought for in the Civil Revision Petition, without expressing any opinion with regard to the merits of the case, I direct the Principal District Munsif, Coimbatore, to dispose of the application in I.A.No.2393 of 2014 in O.S.No.1727 of 2011, on merits and in accordance with law, within six weeks from the date of receipt of a copy of this order.

5.With this observation, the Civil Revision Petition is disposed of. No costs.

Index : No
Internet : Yes
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16.07.2015

Note: Issue order copy by 20.07.2015.

To

The Principal District Munsif Court,
Coimbatore.

M.DURAIWAMY,J.
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