

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

CORAM

The Hon'ble Mr.Justice D.Hariparanthaman

C.R.P(NPD)No.3577 of 2015

and

M.P.Nos.1 of 2015

1. R.Gowri

2. R.Santhanam

3. R.Boopathy

K.Alamelu (died)

...Revision Petitioners

Vs

A.Ramachandran

.... Respondent

Civil Revision Petition filed under Section 115 C.P.C. to set aside the order, dated 05.01.2015, passed in C.M.P.No.647 of 2014, in C.M.A.No.85 of 2013, on the file of VII Additional City Civil Court, Chennai.

For Revision Petitioners : Mr.PG.Thiyagu

For Respondent : Mr.M.Muthappan

ORDER

The appellants in C.M.A.No.85 of 2013, on the file of VII Additional City Civil Court, Chennai/Court below, are the revision petitioners herein. It appears that, when the said Appeal was taken up for

hearing on several occasions, there was no representation on behalf of the appellants/revision petitioners. Hence, the Court below dismissed the Appeal for default on 14.03.2014. To set aside the said same, the revision petitioners filed C.M.P.No.647 of 2014. Since the said Petition was also dismissed, the revision petitioners are before this Court, challenging the same.

2. Heard both sides.

3. In view of the fact that the revision petitioners cannot be deprived of the appellate remedy available to them, I am inclined to set aside the order, impugned herein.

4. Accordingly, this Civil Revision Petition is allowed and the order, dated 05.01.2015, passed in C.M.P.No.647 of 2014, in C.M.A.No.85 of 2013, on the file of VII Additional City Civil Court, Chennai, is set aside and the matter is remanded to the Court below, viz., to the learned VII Additional Judge, City Civil Court, Chennai, who is directed to dispose of C.M.A.No.85 of 2013, within a period of two months from the date of

receipt of a copy of this order. No costs. Consequently, connected
Miscellaneous Petition is closed.

12.10.2015

sd

Index : yes/no

To

The VII Additional Judge,
City Civil Court, Chennai.

D.Hariparanthaman,J.,

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