

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2015

CORAM

THE HONOURABLE MR.**JUSTICE D.HARIPARANTHAMAN**

C.R.P (NPD) No.3889 of 2015

and M.P.No.1 of 2015

1.K.P.Natchimuthu
2.K.N.Muthukumar

... Petitioners

VS.

1.K.N.Muthulakshmi
2.P.Muthayal

.... Respondents

Civil revision petition has been filed as against the fair and decretal order dated 3.7.2015 made in I.A.No.394 of 2013 in O.S.No.7 of 2005 on the file of the Sub Court, Gobidhettipalayam.

For Petitioner : Mr.N.Manokaran

ORDER

The revision petitioners are the defendants in O.S.No.7 of 2005 on the file of learned Subordinate Judge, Gobichettipalayam. It is a suit for declaration, partition and separate possession. The suit was dismissed for default on 16.7.2013 when the matter was posted for cross examination of P.W.1.

2. On 16.7.2013, the respondents / plaintiffs sought time to file revision petition against the order passed by the Trial Court in I.A.No.179 of 2012 setting aside the exparte order passed against the revision petitioners. The Trial Court refused to grant time and the suit was dismissed for default. Thereafter, the respondents / plaintiffs filed I.A.No.394 of 2013 in O.S.No.7 of 2005 to set aside the order dismissing their suit for default. The Trial Court thought it fit to allow the same on payment of cost of Rs.3,000/- to the revision petitioners at the rate of Rs.1,500/- to each of the revision petitioners on or before 17.7.2015. The present civil revision is against the aforesaid order.

3. I have heard the learned counsel appearing for the revision petitioners.

4. Learned counsel appearing for the revision petitioners has vehemently contended that the Trial Court committed an error in allowing the application filed by the respondents / plaintiffs to set aside the order dismissing their suit for default. The Trial Court has gone into detail and allowed the application on payment of cost. I am not

inclined to interfere with the same.

5. In the result, the order of the learned Subordinate Judge, Gobidhettipalayam dated 3.7.2015 made in I.A.No.394 of 2013 in O.S.No.7 of 2005 is confirmed and the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.09.2015

Index:Yes/No
sbi

To

1.The Subordinate Judge,
Gobichettipalayam.

D.HARIPARANTHAMAN, J

sbi

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