



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.02.2015

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (NPD) (MD) No.2502 of 2014

Vairavan @ Jeyabalan

... Petitioner

vs.

1. Vasudevan
2. Nagasundaram @ Chinthamani
3. Jeyalakshmi
4. Yogam
5. Veeramani
6. Elangovan
7. Anbu

... Respondents

PRAYER: This Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order passed by the District Court, Sivagangai in I.A.No.123 of 2010 in I.A.No.178 of 2009 in O.S.No.54 of 2004 dated 29.04.2011.

For Petitioner	: Mr.G.S.Asok Adhithyan
For R1	: Mr.T.Srinivasa Raghavan
For R2 to R6	: Mr.S.P.Maharajan
For R7	: No Appearance

ORDER

The Revision is directed against the order dismissing the application in I.A.No.123 of 2010 to condone the delay of 9 days in filing the restoration application for the dismissal of I.A.No.178 of 2009 in O.S.No.54 of 2004 on the file of District Judge, Sivaganga.

2. The I.A.No.178 of 2009 was filed for restoration of the suit which was dismissed for default on 13.07.2009. As the petitioner was outside India, he could not be present in the Court on the said date. Therefore, the dismissal order was passed and immediately after dismissal, the restoration application is filed with a delay of 9 days. The said application was dismissed by the District Judge, Sivaganga on the ground that there was an order by this Court earlier to dispose of the suit in time. Despite granting opportunity to the plaintiff, he had not co-operated with the trial. Hence, the suit was dismissed for default on 13.07.2009. The restoration application filed is also dismissed.



3. Mr.S.P.Maharajan, learned counsel is appearing for respondents 2 to 6 has no objection in allowing the revision by condoning the delay of 9 days. The learned counsel for first respondent is also present.

4. Hence, there is no serious objection and the respondent is only anxious to get the suit dispose of, he had expressed no objection to allow the revision. Accordingly, the Civil Revision Petition is allowed and the learned District Judge, Sivaganga is directed to restore the suit and dispose of the same before 31 July 2015. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

The District Judge, Sivagangai.

+1cc to Mr.M.Subash Babu, Advocate, in SR. No.5333.

+1cc to Mr.T.Srinivasa Raghavan, Advocate, in SR. No.5282.

+1cc to Mr.S.P.Maharajan, Advocate, in SR. No.5149.

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