



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 22.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.DEVADASS

C.R.P (MD) No.1935 of 2015

and

M.P (MD) No.1 of 2015

K.Anand Kumar,
S/o.Kandasamy,
D.No.3/544, New Agraharam
Amma Chathiram Village,
At present working at Saudi Arabia,
Through his power agent,
P.Karunanidhi. .. Petitioner/Respondent/Plaintiff

-vs-

1.Padmavathy
2.Tamilarasi
3.Velayutham

.. Respondents/Petitioners/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 10.12.2014 made in I.A.No.294 of 2014 in O.S.No.69 of 2011 on the file of the Principal District Munsif, Kumbakonam.

For Petitioner : Mr.T.Antony Arul Raj

ORDER

As only a short point is involved, we shall dispose of the Civil Revision Petition at the admission stage itself.

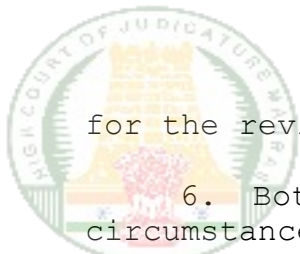
2. Aggrieved as against the indulgence having been shown by the trial Court, namely, Principal District Munsif, Kumbakonam, in favour of the defendants in allowing their petition filed under Section 5 of the Limitation Act, namely, I.A.No.294 of 2014, the plaintiff has directed this Civil Revision Petition.

3. The revision petitioner, who is the plaintiff in O.S.No.68 of 2011, seeks partition of the properties as against the defendants/respondents, who are closely related. The defendants were set ex-parte and they have filed I.A.No.294 of 2014 seeking condonation of 378 days of delay.

4. The trial Court, elected to give an opportunity to the respondents/defendants, thus condoned the delay. Consequently, allowed the I.A, which was filed to set aside the ex-parte decree. Of course, this was not to the liking of the plaintiff. That is how, this revision.

<https://hcservices.ecourts.gov.in/hcservices/>

5. I have anxiously considered the submissions of the learned counsel



for the revision petitioner, materials on record and the impugned order.

6. Both sides are relatives. It is a partition suit. In such circumstances, the trial Court has given an opportunity, however, upon paying a cost of Rs.1,000/-. The cost has been deposited in the Court. The plaintiff is entitled to receive it, but as on date not received it, now, interested to receive the cost and he is also very much interested in defendants filing their written statement and also disposal of the suit. It is good.

7. In the circumstances, while upholding the impugned order of the learned Principal District Munsif, Kumbakonam passed in I.A.No.294 of 2014, the trial Court will give two weeks time, from the date of receipt of a copy of this order, to the defendants to file their written statement and thereafter, without further delay frame the necessary issues and within four months from the date of framing of the issues, the trial Court shall dispose of the suit itself. There is no bar for the revision petitioner/plaintiff to withdraw the cost of Rs.1,000/- from the trial Court.

8. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

ps

To

1.The Principal District Judge,
Thanjavur.

2.The Principal District Munsif,
Kumbakonam, Thanjavur.

Copy To:-

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

+1CC to T.Antony Arul Raj Advocate Sr.No.56250

GJM/AN/MP/6.10.15-2P-5C

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