



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2015

CORAM:

THE HONOURABLE Dr.JUSTICE P.DEVADASS

C.R.P.NPD(MD)No.2084 of 2015

J.Saradambal

... Petitioner

Vs.

1.V.Ganesan
2.G.Pandian
3.G.Marimuthu
4.G.Prabhakar
5.G.karthikeyan

... Respondents

Prayer: Civil Revision Petition is filed under Section 115 of C.P.C., against the order and decree dated 07.08.2015 passed in I.A.No.488 of 2014 in O.S.No.122 of 2009 on the file of the District Munsif cum Judicial Magistrate, Vadipatti, Madurai District.

For Petitioner : Mr.B.Prahalad Ravi

ORDER

In this C.R.P. as only a short point is involved, we shall dispose of the C.R.P. today at the admission stage.

2.The revision petitioner instituted the suit in O.S.No.122 of 2009 in the Court of the District Munsif, Vadipatti as against the 1st defendant, who is brother of the plaintiff and also against defendants 2 to 5 who are sons of the 1st defendant, seeking declaration and consequential injunction with respect to the suit property.

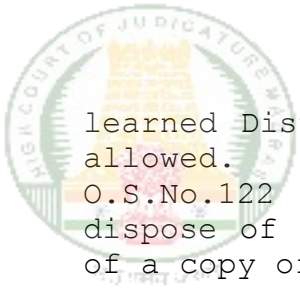
3.On 17.09.2013 the suit was dismissed for default. To restore the same, the plaintiff filed I.A.No.488 of 2014 on the ground that her husband was suffering from certain ailment and subsequently he died it had caused her 424 days of delay. The Trial Court dismissed the petition on the ground that proper reason has been given.

4.According to the learned counsel for the revision petitioner, acceptable reasons have been stated in the affidavit. But the Trial Court did not consider the matter in proper perspective. Both sides are relative and may be given.

5.I have anxiously considered the submission of the learned counsel for the revision petitioner, perused the materials on record and the impugned order.

6.Both sides are relatives. It is a property matter. She is fighting as against her brother and her brother's sons. Court could have be liberal in this matter. An opportunity could have been given to the plaintiff.

7.In the circumstances, this revision is allowed. The order and the decretal order passed in I.A.No.488 of 2014 in O.S.No.122 of 2009 by the



learned District Munsif, Vadipatti are set aside. I.A.No.488 of 2014 is allowed. The learned District Munsif shall restore the suit in O.S.No.122 of 2009 to file. The learned District Munsif is directed to dispose of the suit within a period of 5 months from the date of receipt of a copy of this order. No costs.

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/True copy/

Sd/-

Assistant Registrar

Sub Assistant Registrar

To

1.The Principal District Judge, Madurai.

2.The District Munsif, Vadipatti.

Copy to

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

2.The Sub Assistant Registrar (Judicial), Judicial Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.B.Prahalad Ravi, Advocate SR.No.58275

C.R.P.NPD(MD)No.2084 of 2015
30.09.2015

nbj

NS/AAL-MPA/15.10.2015 : 2P/6C