



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 12.01.2015

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P(MD)No.50 of 2015

and

M.P(MD)No.1 of 2015

M/s.Alpha Dye Chem,
Rep. by its Partner,
P.Parthiban,
No. 189/44 Vaiyapuri Nagar- 2nd Cross,
Karur.

.. Petitioner/Respondent/Plaintiff

Vs.

P.Balasubramani

.. Respondent/Petitioner/Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order passed by the Principal District Court, Karur in I.A.No.104 of 2014 in O.S.No.58 of 2010, dated 22.07.2014.

For Petitioner : Mr.E.K.Kumaresan

ORDER

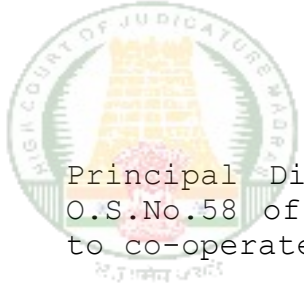
The plaintiff, who is the petitioner, has challenged the order filed under Order 9 Rule 13 of the Code of Civil Procedure, 1908 in I.A.No.104 of 2014 in O.S.No.58 of 2010 on the file of the Principal District Court, Karur allowing an application in setting aside the ex-parte decree passed on 24.08.2011.

2. Heard the learned counsel appearing for the petitioner.

3. The plaintiff has filed the suit in O.S.No.58 of 2010 for recovery of money, wherein the defendant remained ex-parte and admittedly, there is a delay in setting aside the ex-parte decree. The Principal District Judge, Karur exercising its discretion and holding that an opportunity should be given to the defendant, allowed the application on deposit of Rs.5,00,000/- or on payment of costs of Rs.10,000/- to the respondent on or before 05.08.2014.

4. It is submitted by the learned counsel appearing for the petitioner that the conditional order was complied with by the respondent by paying Rs.10,000/- within time.

5. The Principal District Judge, Karur has allowed the application, in the interest of Justice, which this Court is not willing to interfere. However, considering the fact that the suit is filed in the year 2010, the



Principal District Judge, Karur is directed to dispose of the suit in O.S.No.58 of 2010 on or before 31st March, 2015. The parties are directed to co-operate for the disposal of the suit.

6. With the above observation, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(C.S)

To

The Principal District Court,
Karur.

+1cc to Mr.E.K.Kumaresan,Advocate in SR.No. 2086

TS/30.01.2015/2P-3C

C.R.P (MD) No.50 of 2015

12.01.2015