

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

C.R.P.(NPD).No.1765 of 2015
and M.P.No.1 of 2015

Chinnammal

... Petitioner

Vs.

1.Boomathi

2.S.Annadurai

Arthanari (Died)

Velappagounder (Died)

Nachimuthu (Died)

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of allowing I.A.No.361 of 2014 in O.S.No.153 of 2010 dated 05.09.2014 passed by the Principal District Munsif, Tiruchengode.

For Petitioners : Mr.B.Sundara Pandiyan

ORDER

Challenging the fair and final order passed in I.A.No.361 of 2014 in O.S.No.153 of 2010 passed by the Principal District Munsif, Tiruchengode, the 2nd defendant has filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.153 of 2010 for declaration, recovery of possession and for permanent injunction. The defendant filed her written statement and was contesting the suit. Since the plaintiff failed to appear before the trial Court on 18.01.2013, the trial Court dismissed the suit for non-prosecution. Thereafter, the plaintiff filed an application in I.A.No.361 of 2014 under Order 9 Rule 9 of the Civil Procedure Code to restore the suit to file. The 2nd defendant filed her counter and opposed the application. The trial Court, taking into consideration the case of both parties, allowed the application. Aggrieved over the same, the 2nd defendant has filed the above Civil Revision Petition.

3.On a perusal of the affidavit filed in support of the petition, it could be seen that the plaintiff has satisfactorily explained the reasons for her non-appearance on 18.01.2013. Being satisfied with the reasons stated therein, the trial Court rightly allowed the application.

4.The learned counsel for the petitioner/2nd defendant submitted that instead of going into the merits of the matter, it would be suffice to direct the trial Court to dispose of the suit within a stipulated time.

5.Having regard to the submissions made by the learned counsel for the petitioner, while confirming the order passed in I.A.No.361 of 2014, I direct the Principal District Munsif Court, Tiruchengode, to dispose of the suit in O.S.No.153 of 2010, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6.With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

04.07.2016

To

The Principal District Munsif,
Tiruchengode.

M.DURAIWAMY,J.
va

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