

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.03.2016

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THE HONOURABLE DR. JUSTICE. **S.VIMALA**

CRP (NPD)No.915 of 2016
and
C.M.P.No.5115 of 2016

DR.Latha S

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Petitioner

..Vs..

M/S. Medline K.K.
Rep: by its partner
R.Balakrishnan
New No:19, Singari Street,
Mylapore, Chennai-04

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Respondent

Prayer:- Revision Petition is filed under Article 227 of the Constitution of India, against the order and decretal order dated 20.01.2015, made in IA No.9505 of 2014 in OS No.6382 of 2012, on the file of the VI Assistant City Civil Court, Chennai.

For Petitioner : Mr.Raj Makesh
For Respondent : M/s.J.Sundarakanchani

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ORDER

This Civil Revision Petition has been filed by the petitioner/defendant against the Fair order and decretal order dated 20.01.2015, made in IA No.9505 of 2014 in OS No.6382 of 2012, on the file of the VI Assistant City Civil Court, Chennai.

2. The respondent herein filed a suit in O.S.No.6382 of 2012 on the file City Civil Court, Chennai, seeking recovery of money from the petitioner. The suit was decreed exparte on 09.07.2013.

2.1. Thereafter, the petitioner/defendant filed an application in I.A.No.9505 of 2014 to condone the delay of 216 days in filing the petition to set aside the exparte decree along with an application under Order 9 Rule 13 C.P.C. The application filed to condone the delay came to be dismissed by the trial Court, by an order dated 20.01.2015. Aggrieved over the same, the present Civil Revision Petition has been filed by the petitioner/defendant.

3. It is the contention of the learned counsel for the petitioner that he is prepared to deposit the decree amount apart from some

portion as interest to show the bonafides in contesting the suit.

4. For this course, the learned counsel for the respondent agreed but insisted upon the deposit of entire amount i.e. 3,16,651/-

5. Considering the representation made by the learned counsel appearing on either side, the application filed to condone the delay and the application to set aside the exparte decree would stand allowed subject to the revision petitioners depositing a sum of Rs.2,50,000/- to the credit of O.S.NO.6382 of 2012, along with written statement within a period of four weeks from the date of receipt of a copy of this order.

6. On such deposit being made, the trial Court shall set aside the exparte decree and take the suit on file and dispose of the suit, within a period of three months thereafter.

This Civil Revision Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

17.03.2016

Index : Yes/No
Internet: Yes/No
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S.VIMALA.J

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To

1. The VI Assistant City Civil Court, Chennai.

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