

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.2286 of 2016
and
CMP No.11874 of 2016

R. Thangarasu

... Petitioner

vs

P. Balasubramanian

... Respondent

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the order and decree dated 12.08.2013 made in I.A.No.208 of 2013 in O.S.No.111 of 2010 on the file of District Munsif Court, Jeyamkondam.

For Petitioner : Mr.M. Pari
For respondent : Mr.G. Pugazhanti

ORDER

Challenging the fair and final order passed in I.A.No.208/2013 in O.S.No.111/2010 on the file of the District Munsif Court, Jeyamkondam, the defendant filed the above Civil Revision Petition.

2. The respondent/plaintiff filed a suit in O.S.No.111/2010 for recovery of money. Since the plaintiff failed to appear before the trial court, the suit was dismissed for non-prosecution on 15.02.2011. Thereafter, the plaintiff filed an application in I.A.No.208/2013 to condone the delay of 660 days, in filing the petition to restore the suit. The trial court allowed the application, against which, the defendant has filed the above Civil Revision Petitioner.

3. When the matter is taken up for hearing, the learned counsel appearing for the respondent/plaintiff submitted that subsequent to the order passed in I.A.No.208/2013, the suit was taken on file and the suit was also decreed exparte on 14.08.2014. When the suit was already decreed exparte, I do not find any reason to keep the civil revision petition pending.

4. The learned counsel for the petitioner submitted that liberty may be given to the revision petitioner to restore the civil revision petition in the event of the exparte decree passed in O.S.No.111/2010 is set aside.

5. In view of the submissions made by the learned counsel for the petitioner, the civil revision petition stands closed and liberty is given to the petitioner/defendant to file appropriate application in the event of the exparte decree passed on 14.08.2014 passed in the suit in O.S.No.111/2010 is set aside. No costs. Consequently, connected CMP is closed.

10-08-2016

sr

Index:no
website:yes

To

The District Munsif Court, Jeyamkondam.

M. DURAISWAMY,J.,

sr

CRP(NPD)No.2286 of 2016

10-08-2016