

HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2016

CORAM :

THE HONOURABLE Dr.JUSTICE S.VIMALA

CRP (NPD) No.298 of 2016

Radhakrishnan
S/o.Mariappan
3, Kundu Navithar Street,
B.P. Agraharam,
Erode & District.

... Petitioner

Vs

M.Krishnan
S/o.Molaiappan
Old No.19, New No.39,
Thiru.Ve.Ka. Street,
Kollampalayam,
Erode & District.

... Respondent

PRAYER : Civil Revision Petition filed under Section 115 of the Civil Procedure Code, praying to set aside the order dated 26.10.2015 passed in I.A.No.484/2015 in O.S.No.360/2011 on the file of the I Additional Sub Court, Erode & District by allowing this petition.

For Petitioner	:	Mr. Titus Enoc
For Respondent	:	Mr. I.Vasudevan

ORDER

The Civil Revision Petition has been filed challenging the order dated 26.10.2015 passed in I.A.No.484 of 2015 in O.S.No.360 of 2011 on the file of the I Additional Sub Court, Erode, Erode District.

2. The defendant is the revision petitioner. The defendant has filed an application in I.A.No.484 of 2015 in O.S.No.360 of 2011 seeking condonation of delay of 741 days in filing the application to set aside the exparte decree. The trial Court, by an order dated 26.10.2015, dismissed the application stating that the application to set aside the exparte decree itself has been filed only after the filing of the Execution Petition. This order is under challenge in the Civil Revision Petition.

3. Heard the learned counsel on both sides. The learned counsel appearing on both sides submitted that the matter has been settled out of Court and the settlement has to be reported either before this Court or before the Lok Adalat.

3.1 The learned counsel appearing for the plaintiff/respondent has no objection to set aside the order, which declined to condone the delay. Recording the same, the dismissal of the petition seeking condonation of delay is hereby set aside.

4. The Court below is directed to consider the application for condonation of delay and also the application to set aside the exparte decree in the light of the submission made, regarding compromise and after passing

necessary orders in both the applications, shall refer the suit to Lok Adalat/Mediation or any other appropriate forum, so that the parties will be able to negotiate and get the matter settled.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

16.02.2016

ds

Note : Issue order copy next week

To:

The I Additional Sub Court,
Erode,
Erode District.

S.VIMALA ,J.,

ds

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