

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

Review Application No.104 of 2016

Venkatappan

... Petitioner

Versus

Chinnaraji

... Respondent

Review Petition filed under Order 47 Rule 1 r/w. 114 of C.P.C., praying to review the order dated 22.04.2016 passed in C.M.P.No.3485 of 2016 in CRP (PD) No.3311 of 2014.

For Petitioner : Mr.PA.Sudesh Kumar

ORDER

The Civil Revision Petition, filed by the petitioner in CRP(PD)No.3311 of 2014 was dismissed by this Court on 19.02.2016 for non-prosecution. The petitioner, thereafter, filed a petition in C.M.P.No.3485 of 2016 to restore the Civil Revision Petition after setting aside the order. The said petition was dismissed by this Court on 22.04.2016. The present Review Application has been filed to review the said order.

2. The learned counsel appearing for the respondent fairly submitted that even before the learned Judge, mention was made that the respondent has no objection to restore the Civil Revision Petition.

3. The petition filed by the petitioner in C.M.P.No.3485 of 2016 was dismissed with an observation that there was no need to post the matter for dismissal on another date, in case, there was no appearance on behalf of the petitioner. The affidavit filed in C.M.P.No.3485 of 2016 contains the reasons for the absence of the counsel for the petitioner on the date of hearing.

4. In view of the reasons found, mentioned in the affidavit filed in support of the application and taking into account the no objection endorsed by the learned counsel for the respondent, the review petition is allowed.

5. The order dated 22.04.2016 is reviewed. Consequently, the order dated 19.02.2016 is recalled. The Civil Revision Petition in CRP No.3311 of 2014 is restored to file.

6. Post the Civil Revision Petition on 08.11.2016.

19.10.2016

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K.K.SASIDHARAN, J.

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