



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P(MD)No.1201 of 2016 (PD)
and
C.M.P(MD)No.5934 of 2016

1.Shyamala
2.G.Saravanan

.. Revision Petitioners

vs.

C.Thangavel

.. Respondent

Prayer: This Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order dated 21.03.2016, made in I.A.No.868 of 2014 in O.S.No.916 of 2006 on the file of the Court of the I Additional District Munsif, Trichirappalli, III Additional District Munsif, Trichirappalli(FAC) and allow the civil revision petition.

For Petitioners : Mr.J.Maria Roseline

ORDER

This revision is directed against the order dated 21.03.2016 passed by the I Additional District Munsif, Trichirappalli, III Additional District Munsif, Trichirappalli(FAC), in I.A.No.868 of 2014 in O.S.No.916 of 2006.

2.The respondent as plaintiff instituted the suit against the petitioners for recovery of money of Rs.55,487/-. The petitioners have filed their written statement and contesting the suit.

3.When the suit was posted for cross-examination of P.W.1 on 11.11.2013, the defendants allowed the suit to be decreed for ex-parte and thereafter, the ex-parte decree was set aside on payment of cost of Rs.100/-. Again on 02.01.2014, the suit was posted for cross-examination of P.W.1. Since, the defendants did not turn up, the ex-parte decree was passed second time, on 09.01.2014. The petitioners filed I.A.No.868 of 2014 to condone the delay of 271 days in filing the application to set aside the ex-parte decree. That application was dismissed by the III Additional District



Munsif, Trichirapalli. Aggrieved over the above said order, the present civil revision petition is filed.

4. In the affidavit filed in support of the petition it is categorically stated that the first petitioner was suffered uterus problem, for which she was taking treatment at Ramachandra Hospital in Chennai and she was hospitalized for more than 5 months and her husband/second petitioner was suffering from back bone pain. The petitioners have produced Exs.P.1 to P.19 to substantiate their case.

5. The trial Court having found that Ex.P.1 to P.15 are the medical prescription given to the first petitioner by a Dermatologist at Trichirappalli. Ex.P.16/ECG report issued by the Ramachandra Hospital, Chennai. Exs.P.17 to P.19 are prescription given by a hospital at Srirangam, Trichy, held that the petitioners have not produced any documentary evidence to support their case and eventually dismissed the petition. Hence, I do not find any merits in this revision.

6. In the result, the civil revision petition is dismissed. No costs. Consequently, the connected C.M.P is also closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The I Additional District Munsif,
Tiruchirappalli,
The III Additional District Munsif,
Tiruchirappalli (FAC)

+ 1 CC TO M/s.J.MARIA ROSELINE, ADVOCATE IN SR No. 31494

NS
TE/KBM/SAR-III : 11/07/2016 : 2P/3C

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