



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2016

Coram:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

C.R.P. (PD) No. 1386 of 2016

and C.M.P. (MD) No. 6697 of 2016

1. A. Subaitha

2. A. Alima

3. A. Subahani

4. A. Jailani

5. A. Rahumani

.. Petitioners/Petitioners/Defendants

Vs.

A. Essaq Mohammad

.. Respondent/Petitioner/Plaintiff

PRAYER: Civil Revision Petition filed under Section 227 of Constitution of India to set aside the fair and decreetal order dated 01.12.2015 in I.A.No.222 of 2015 in O.S.No.228 of 2011 on the file of the Additional Sub Court, Dindigul.

For Petitioners : Mr. H. Lakshmi Shankar

For Respondent : Mr. S. Madhavan

O R D E R

This Civil Revision Petition arises out of the order dated 01.12.2015 in I.A.No.222 of 2015 in O.S.No.228 of 2011 on the file of the Additional Sub Court, Dindigul.

2. Heard the learned counsel appearing for the revision petitioners/defendants and the learned counsel appearing for the respondent/plaintiff and perused the materials available on record.

3. According to the revision petitioners, the respondent herein, as plaintiff, filed a suit in O.S.No.228 of 2011 on the file of the Additional Sub Judge, Dindigul for specific performance on the various grounds. An ex-parte decree was passed in that suit on 07.11.2012 and the revision petitioners were set ex-parte. Thereafter, he filed an application under Section 5 of Limitation Act to condone the delay of 610 days in filing a petition under Order 9 Rule 13 C.P.C to set aside the ex-parte decree. The said application was dismissed. Aggrieved by the dismissal order, the revision petitioner has filed the present revision.

4. During the course of the arguments the learned counsel for the parties, on instruction, submitted that both parties agreed to allow the civil revision petition on certain



terms. The learned counsel appearing for both sides pray this Court to pass an order allowing this civil revision petition on certain terms.

5. Considering the submissions made on either sides, this Civil Revision Petition is allowed on the following terms:

i) The revision petitioners/defendants are directed to deposit the suit costs of Rs.60,901.50/- within a period of eight weeks from the date of receipt of copy of this order, failing which, the order passed by this Court shall stand automatically dismissed.

ii) In the event of the condition order has been complied with by the revision petitioners/defendants and in the event of an application under Order 9 Rule 13 C.P.C is filed and the suit is restored to file, the trial court is directed to dispose of the suit as expeditiously as possible.

No costs. Consequently, connected C.M.P.(MD) No.6697 of 2016 is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

The Additional Sub Court, Dindigul.

+1cc to Mr.H.Lakshmi Shankar, Advocate in SR No.63767

+1cc to Mr.Srinivasa Raghavan, Advocate in SR No.63506

C.R.P.(PD)No.1386 of 2016
and C.M.P.(MD) No.6697 of 2016
25.10.2016

CM

ANR/SS3/28.11.2016/2P/4C