



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2016

CORAM:

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

C.R.P.NPD (MD) No.2085 of 2016

and

C.M.P. (MD) No.10229 of 2016

Packianathan

... Petitioner/Petitioner/
Defendant

Vs.

Paramagnanam

... Respondent/Respondent/
Defendant

Prayer: The Civil Revision Petition is filed under Section 115 of C.P.C., against the fair and decretal order dated 06.08.2015 made in I.A.No.60 of 2015 in O.S.No.53 of 2012 on the file of the District Munsif cum Judicial Magistrate, Vilathikulam in dismissing the petition.

For Petitioner : Mr.G.Jeganathan
For Respondent : Mr.D.Andrews Samraj

ORDER

This Civil Revision Petition has been filed against the fair and decretal order dated 06.08.2015 made in I.A.No.60 of 2015 in O.S.No.53 of 2012 on the file of the District Munsif cum Judicial Magistrate, Vilathikulam in dismissing the petition.

2.The respondent herein has filed the suit in O.S.No.53 of 2012 on the file of the District Munsif Court cum Judicial Magistrate, Vilathikulam, Thoothukudi District, seeking for specific performance of the suit property. An ex parte decree was passed on 01.02.2013. Therefore, the execution petition in E.P.No.3 of 2014 was filed and notice has been ordered. An application in I.A.No.60 of 2015 has been filed by the revision petitioner to condone the delay of 734 days in filing the above petition to set aside ex parte order. The said application was dismissed. Against which, the present civil revision petition is filed before this Court.

3.At this stage, the learned Counsel for respondent submitted on instruction, the civil revision petition can be allowed on payment of heavy costs to the revision petitioner. The



learned counsel for the revision petitioner also agreed for the same.

4. In view of the above said statement made by the learned counsel for the parties, I am inclined to pass the following orders:

(i) the order passed in I.A.No.60 of 2015 in O.S.No.53 of 2012 is hereby set aside and the delay is condoned on payment of cost of Rs.10,000/- payable by the revision petitioner to the respondent within a period of two weeks from the date of receipt of a copy of this order.

(ii) If the conditional order is complied with, the Trial Court is directed to pass appropriate orders in the application filed under Order 9 Rule 13 C.P.C. The trial court is also directed to dispose of the suit within a period of 6 months from the date of disposal of the above said application and both the parties shall cooperate for disposal of the suit.

5. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected C.M.P. is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

nbj

To,

The District Munsif cum Judicial Magistrate, Vilathikulam.

+1CC to M/S.Veera Associates, Advocate Sr.No.68926

+1CC to Mr.A.Robinson, Advocate Sr.No.68400

SM/SKS/RR/20.12.16-2p-4C

C.R.P. (MD) No.2085 of 2016
14.11.2016