



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.627 of 2016 (NPD)

Chinnadurai

.. Petitioner

Vs.

(\*) 1. Arumugaraj

2. A. Chelladurai

3. Soundharaj

.. Respondents

PRAYER: Civil Revision Petition is filed, under Article 227 of Constitution of India, to set aside order in un-numbered I.A.No. of 2015 in O.S.No.390 of 2014, dated 22.06.2015 on the file of the **(\*) Ist Additional District Munsif Court, Tirunelveli** and direct to numbering the Restore Petition and allow the same.

For Petitioner : Mr.S.Senthil Sankara Nathakumar

#### ORDER

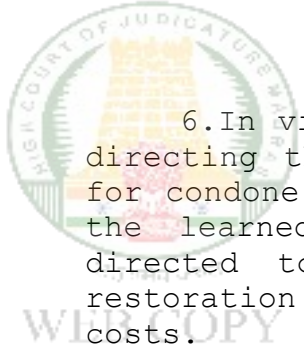
This Civil Revision Petition has been filed by the petitioner to set aside the order in un-numbered I.A.No. Of 2015 in O.S.No.390 of 2014, dated 22.06.2015, on the file of the **(\*) Ist Additional District Munsif Court, Tirunelveli** and direct to numbering the Restore Petition and allow the same.

2.The petitioner, who is the plaintiff, filed the suit in O.S.No.390 of 2014 for injunction and the same was dismissed for default on 11.06.2015. The petitioner filed an application for restoration of the suit, which was dismissed for default on 22.06.2015. The learned Judge rejected the same on the ground that the said application is second application for restoration. The defendants have made a counter claim and the first defendant is aged 80 years and stated that the intention of the petitioner is only to drag-on the proceedings. Against that rejection order, the petitioner has filed the present Civil Revision Petition.

3.The learned counsel for the petitioner submitted that the learned Judge ought to have numbered the application and passed an order on merits instead of rejecting the application at the threshold itself.

4. I have heard the learned counsel appearing for the petitioner and also perused the entire materials on record.

5. The petition was rejected by the learned Judge on 22.06.2015. The petitioner has filed the Civil Revision Petition on 05.11.2015 and re-presented the same on 17.03.2016. In the circumstances, the petitioner has not given any reason for delay.



6. In view of the same, the Civil Revision Petition is disposed of by directing the petitioner to re-present the petition along with petition for condone the delay on filing the said application and on such filing, the learned **(\*) Ist Additional District Munsif Court, Tirunelveli** is directed to consider the condonation of delay and application for restoration and pass orders on merits and in accordance with law. No costs.

7. The Registry is directed to return the original papers to the counsel for the petitioner, that are pending before the Registry.

Sd/-

Assistant Registrar (RTI)

**(\*) Amended as per order dated. 28.04.2016  
and made in CMP (MD) No. 4389/2016 in  
CRP (MD) No. 627/2016.**

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS)  
Madurai Bench of Madras High Court,  
Madurai-23.

To

**(\*) To be substituted order already despatched. 23.03.2016**

- 1 The Ist Additional District Munsif, Tirunelveli.
2. The Principal District Munsif, Tirunelveli

**Copy To:-**

The Records Keeper/Section Officer,  
E.R. Section,  
Madurai Bench of Madras High Court,  
Madurai.

(To Return the documents as directed on acknowledgment)

+1cc to M/s. M. BANAZIR BEGUM, Advocate in SR.24819

AM

TE/AN-MP/SAR-I : 23/03/2016 : 2P/4C

C.R.P (MD) No. 627 of 2016 (NPD)  
22.03.2016

PBK/SK-SKN 29/04/2016 :: 2P-5C :: (IT)