

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

CrI.R.C.No.50 of 2017

and

CrI.M.P.No.577 of 2017

1.S.Kalimuthu
2.K.Rathinamala
3.K.Balamurugan

... Petitioners/Petitioners

Vs.

G.Rathidevi
W/o.Manikandan

... Respondent/Respondent

Criminal Revision Case filed under Section 397 and 401 Cr.P.C. against the order of learned Judicial Magistrate VI, Coimbatore, passed in C.M.P.No.5276 of 2016 in D.V.A.No.38 of 2014 on 26.12.2016.

For Petitioners : Mr.S.Sarath Chandran
For Respondent : Mr.B.Vijayakumar

सत्यमेव जयते

O R D E R

This revision arises against the order of learned Judicial Magistrate VI, Coimbatore, passed in C.M.P.No.5276 of 2016 in D.V.A.No.38 of 2014 on 26.12.2016.

2. Heard learned counsel for petitioners and learned counsel for respondent.

3. Under C.M.P.No.5276 of 2016 petitioners sought to set aside the ex parte order dated 02.09.2016. This Court is of the view that, in the interests of justice, petitioners may be afforded one further opportunity to contest their case by

setting aside the ex parte order, on terms.

Accordingly, the Criminal Revision Case shall stand allowed. The order of learned Judicial Magistrate VI, Coimbatore, passed in C.M.P.No.5276 of 2016 in D.V.A.No.38 of 2014 on 26.12.2016 is set aside. Court below is directed to restore D.V.A.No.38 of 2014 on file and proceed further in accordance with law. Petitioners shall now effect payment of a sum of Rs.2,000/- (Rupees Two Thousand only) to respondent within a period of one week from today. Such payment may be effected also through learned counsel for respondent before this Court. Court below is directed to deal with D.V.A.No.38 of 2014 expeditiously. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

The Judicial Magistrate VI,
Coimbatore.

2 do Thro The Chief Judicial Magistrate
Coimbatore

+1cc to Mr.S. Sarath Chandran, Advocate, S.R.No.6623

+1cc to Mr.L.P. Shanmuga Sundaram, Advocate, S.R.No.6202

ug (CO)
md(02/02/2017)

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