

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.04.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(N.P.D.) No. 1794 of 2014 and
MP.No.1 of 2014

Kumari

...Petitioner

Vs

1. Lakshmi
2. Anjale Devi

...Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India as against the fair and decreetal order dated 27.09.2013 made in I.A.No.29 of 2013 on the file of the III Additional District Munsif at Puducherry.

For Petitioner : Mr.S.Vadivel

ORDER

This civil revision petition is directed against the order dated 27 September 2013 in I.A.No.29 of 2013, whereby and whereunder, the learned III Additional District Munsif, Puducherry, condoned the delay of 430 days in filing the application to set aside the *ex parte* order.

2. Heard the learned counsel for the petitioner.

3. The petitioner filed a suit for injunction in O.S.No.351 of 2008 before the trial Court at Puducherry. The first respondent failed to appear before the Court and the same resulted in passing an order *ex parte*. Thereafter, the first respondent filed an application in I.A.No.29 of 2013 to condone the delay of 430 days in filing the application to set aside the *ex parte* order. The learned trial Judge exercised the discretion and allowed the said application subject to payment of costs. The order is under challenge.

4. The reasons given by the first respondent in support of her case for not appearing before the trial Court was accepted by the trial Court, of course, subject to payment of costs.

5. The order was passed taking into account the background facts. I am of the view that the petitioner has not made out a case for taking a different view in the subject matter.

6. The first respondent is directed to pay the cost amount to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

7. The civil revision petition is dismissed with the above observation.

No costs. Consequently, connected miscellaneous petition is closed.

04.04.2017

Gms/Asi

To

III Additional District Munsif at Puducherry.

K.K.SASIDHARAN,J.

Gms/Asi

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