

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2015

CORAM:

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.No.3597 of 2015

and

M.P.No.1 of 2015

N.Suresh ...Revision Petitioner/Petitioner/2nd Defendant

Vs.

V.S.Lakshmi Ammal ...Respondent/Respondent/Plaintiff

Prayer: Civil Revision Petition filed under Section 115 of CPC against the judgment and decree dated 11.10.2014 made in I.A.No.95 of 2014 in O.S.No.104 of 2007 on the file of the Subordinate Court at Tiruttani.

For Petitioner : Mr.S.Udayakumar

For Respondent : Mr.G.Jeremiah

O R D E R

The second defendant in O.S.No.104 of 2007 is the revision petitioner herein. The first defendant in the suit is the father of the revision petitioner/2nd defendant and the respondent herein is the plaintiff therein.

2. The said suit is filed for recovery of a sum of Rs.7,93,977/- that excludes interest. Admittedly, the revision petitioner remained exparte and an exparte decree was passed.

3. Thereafter, the revision petitioner filed an application in I.A.No.95 of 2014 in O.S.No.104 of 2007 to condone the delay of 808 days in filing the application to set aside the exparte decree dated 27.11.2009. The learned Subordinate Judge, Tiruttani passed an order dated 11.10.2014 dismissing the application in I.A.No.95 of 2014 in

O.S.No.104 of 2007 and the present Civil Revision Petition is preferred against the aforesaid order.

4. Heard both sides.

5. The learned counsel for the petitioner has submitted that the first defendant who is the father of the second defendant is not interested to contest the suit and the revision petition can be allowed on certain reasonable conditions and a further direction can be issued to the Trial Court to dispose of the suit within a reasonable time.

6. On the other hand, the learned counsel for the respondent/plaintiff vehemently opposed for setting aside the order questioned in this revision petition stating the huge amount of rent due to the respondent.

7. I have considered the submissions made by either sides.

8. In the interest of justice, I am of the view that the order of the Trial Court dated 11.10.2014 can be set aside on condition that the revision petitioner shall deposit a sum of Rs.3,00,000/- to the credit of O.S.No.104 of 2007 on the file of the Subordinate Court at Tiruttani, within a period of six weeks from today and the Trial Court is directed to restore the suit on file by allowing the application to set aside the exparte decree and dispose of the suit in O.S.No.104 of 2007 within a period of five months from today.

9. The Civil Revision Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

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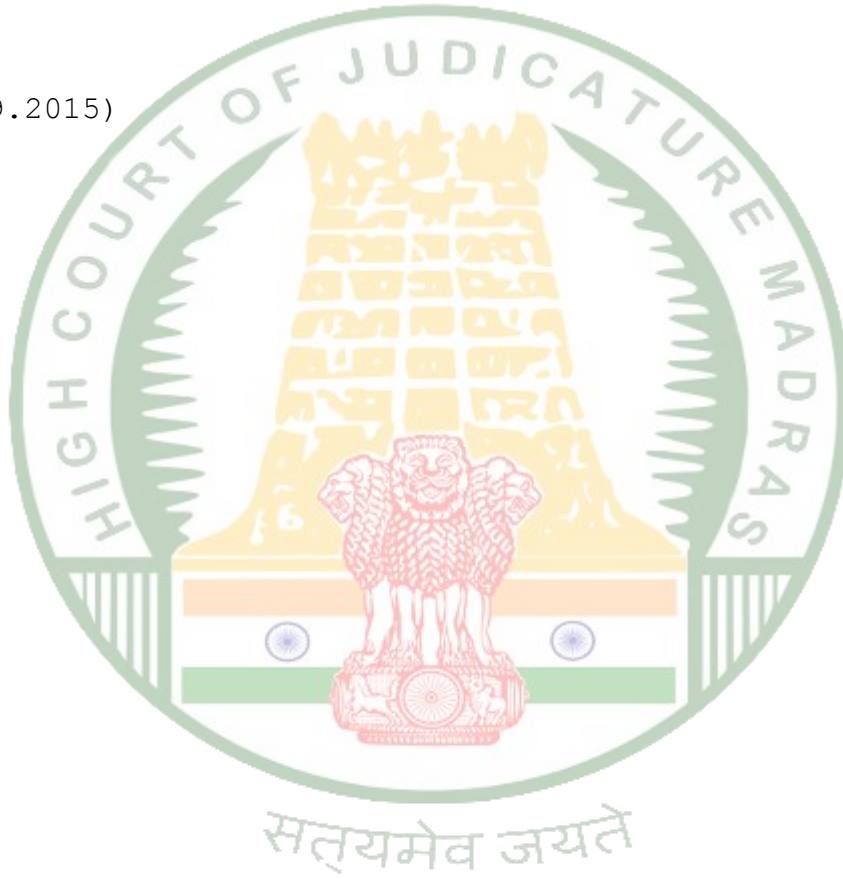
To

The Subordinate Judge,
Tiruttani.

1 CC to Mr.S.Udayakumar, Advocate SR.No. 49679

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KSJ (CO)
PSI (14.09.2015)



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