

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.NO.2154 of 2017 AND
C.M.P.NO.10329 of 2017

Natarajan

... Petitioner/Defendant

Vs.

1. Andai

2. Savithiri

... Respondents/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the petition and order dated 03.12.2016 made in R.E.A.No.51 of 2016 in R.E.P.No.15 of 2016 in O.S.No.201 of 2012 on the file of District Munsif of Dharmapuri.

For Petitioner : Mr.M.Muthuappan

O R D E R

The present Civil Revision Petition has been filed to set aside the dismissal order dated 03.12.2016 made in R.E.A.No.51 of 2016 in R.E.P.No.15 of 2016 in O.S.No.201 of 2012 on the file of District Munsif of Dharmapuri.

2.The learned counsel for the petitioner submitted that an Execution Petition was filed by the petitioner, on the file of the District Munsif, Dharmapuri, to condone the exparte order passed against the petitioner on 26.08.2016.

3.The Execution Application was allowed on payment of cost of Rs.500/- on or before 30.11.2016. But, the cost was not paid. Therefore, the time was extended by the District Munsif to 03.12.2016. Even after extension also, the petitioner has failed to pay the cost. Therefore, the petition seeking to set aside an exparte order was dismissed. Against which, the present Civil Revision Petition is filed.

4.The learned counsel for the petitioner would submit that the petitioner may be allowed to comply with the order passed by the Trial Court, if the time is extended by two weeks in view of Section 148 CPC.

5.Considering the submission made by the learned counsel for the petitioner, time is extended by two weeks from today for the petitioner to comply with the order passed in the Execution Petition. In default the Execution Court can pass appropriate orders, without waiting for the petitioner's appearance.

6.On the basis of the above observation, this Civil Revision Petition is disposed of. There shall be an order of status quo for two weeks. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS II)

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Sub Asst. Registrar

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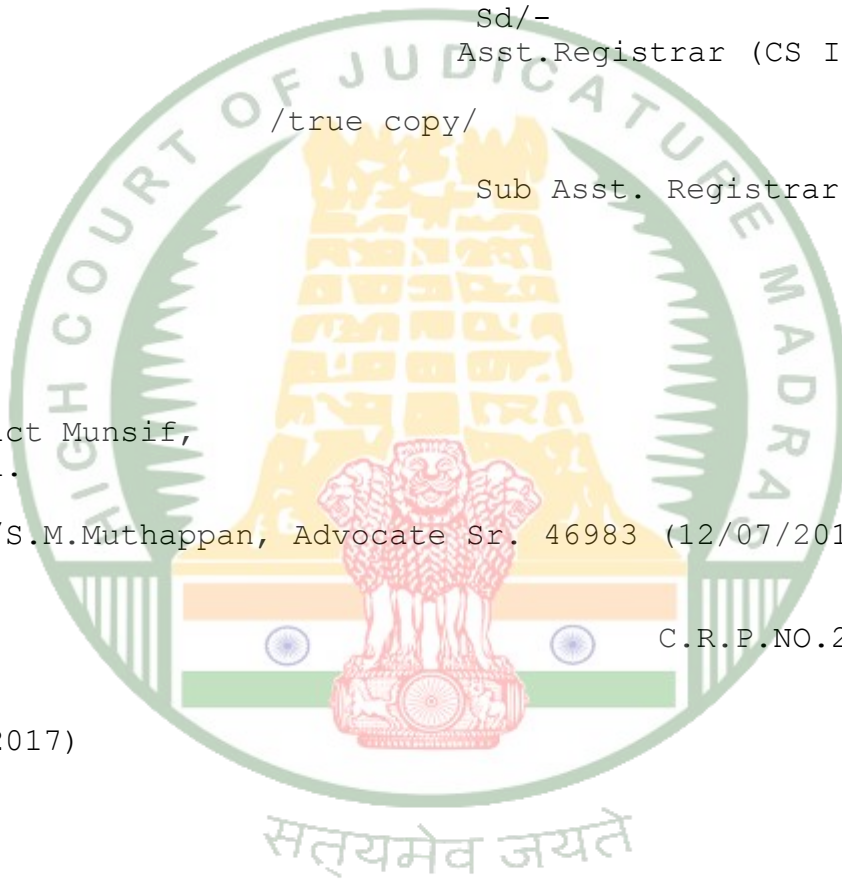
To

The District Munsif,
Dharmapuri.

+1cc to M/S.M.Muthappan, Advocate Sr. 46983 (12/07/2017)

C.R.P.NO.2154 of 2017

NMI (CO)
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