

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.09.2017

Coram

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

C.R.P(PD).No.3796 of 2015
and M.P.No. 1 of 2015

M.Ramesh Babu

...Petitioner

Vs.

1. G.Nirmala Devi
2. M.Sathiyamala
3. P.Nilana Devi
4. M.Sudhakar

...Respondents

Prayer: Civil Revision Petition filed under Section 115 of C.P.C, against the order dated 11.06.2015 passed in E.A.No.6414 of 2014 in E.A.No.3388 of 2011 in E.P.No.1791 of 2007, on the file of the IX Assistant City Civil Judge at Chennai.

For Petitioner : Mr.P.Raja

For Respondent : Mr.L.ChandraKumar

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ORDER

The petitioner is before this Court against the order of dismissal of the petition to condone the delay of 353 days in filing the petition to restore E.A.No. 3388 of 2011 and E.P.No. 1791 of 2017 dated 11.06.2015.

2. Eventhough the Execution Court has taken up the case for condoning the delay for restoring E.A.No. 3388 of 2011, which was dismissed for default on 22.08.2013, Ultimately, it is found that it was decided on merits. On that basis, the petition was dismissed.

3. Today, when the matter is taken up, the learned counsel for the petitioner would submit that on 20.08.2013 the petitioner was called absent and therefore the petitioners side evidence was closed for non- prosecution.

4. Mr. L.Chandra Kumar, learned counsel appearing on behalf of the respondent would vehemently oppose the petition.

5. Considering, the interest of justice, this Court is of the opinion that the said delay can be condoned and accordingly, the said delay is on condition that a sum of Rs. 3500/-(Rupees Three Thousand Five hundred only) shall be paid by the petitioner to the Tamil Nadu Mediation and Conciliation Center, High Court, Madras, within a period of one week, from the date of receipt of a copy of this order.

6. The Execution Court is directed to decide the Execution Application No. 3388 of 2011 within a period of two months, from the date of payment of the above costs.

7. With the above direction, this Civil Revision Petition is disposed of. No Costs. Consequently, Connected miscellaneous Petition is closed.

सत्यमेव जयते

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Index : Yes/no

Internet : Yes/No

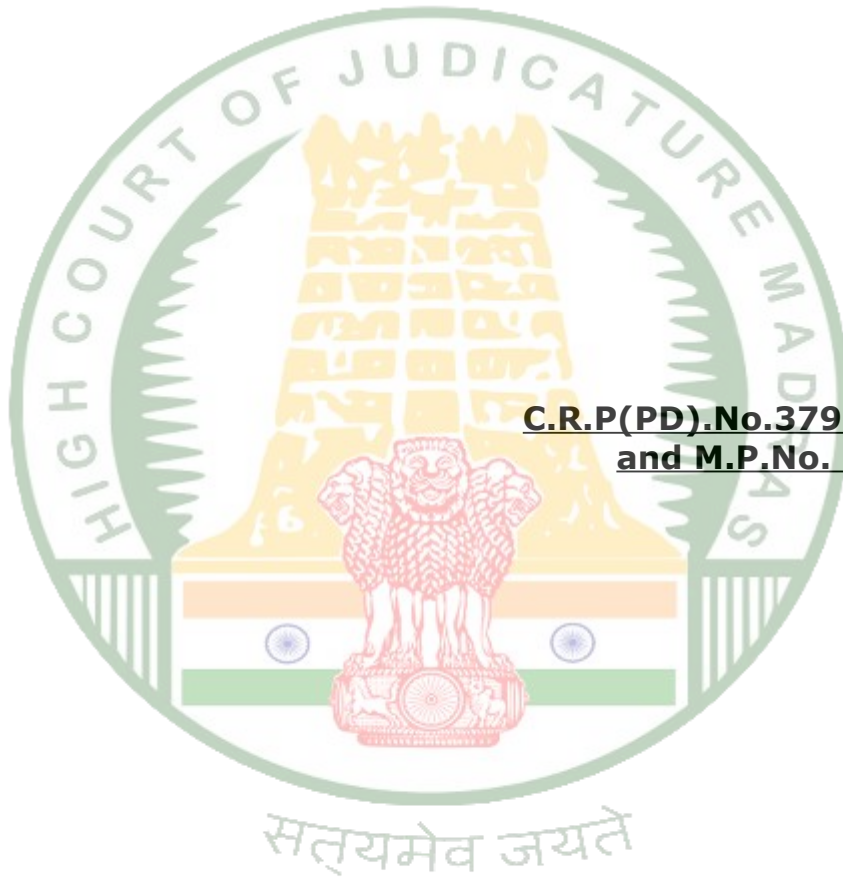
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To

The IX Assistant City Civil Judge, Chennai.

M.GOVINDARAJ, J.

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