

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2017

CORAM:

THE HON'BLE MR.JUSTICE M.DURAIWAMY

C.R.P.(PD)No.4194 of 2015
M.P.No.1 of 2015

1. R.Chandra
2. R.Mohan ram
3. Vijaya Rajeswari Vignesh .. Petitioners

Vs

1. J.Manohari
2. K.Santha
3. R.Srinivasan
4. R.Damodharan
5. A.Yasodha .. Respondents

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 02.09.2015 made in I.A.No.191 of 2015 in O.S.No.16 of 2012 on the file of the III Additional District Judge, Tiruvallur, at Poonamallee and allow the said I.A.No.191 of 2015.

For Petitioners : Mr.S.Thanka Sivan

For R1, R2, R4, R5 : Mr.Manoj Sreevalsan

For R3 : Mr.P.Sidharthan

ORDER

Heard both sides:

2. Challenging the order passed in I.A.No.191 of 2015 in O.S.No.16 of 2012 on the file of the III Additional District Court, Tiruvallur, the defendants have filed the above Civil Revision Petition.

3. An application in I.A.No.191 of 2015 has been filed by the defendants to condone the delay of 22 days in re-presenting the application in I.A.SR.No.799 of 2015.

4. Though the defendants have satisfactorily explained the reasons for the delay in the affidavit filed in support of the petition, the trial Court took an erroneous view and dismissed the petition.

5. In such view of the matter, I am inclined to set aside the order passed in I.A.No.191 of 2015 in O.S.No.16 of 2012. Accordingly, the fair and decreetal order passed in I.A.No.191 of 2015 is set aside. The application in I.A.No.191 of 2015 stands allowed.

6. The Civil Revision Petition is allowed. No costs. The III Additional District Judge, Tiruvallur is directed to number the application in I.A.SR.No.799 of 2015 and decide the same on merits and in accordance with law. Connected M.P is closed.

22.03.2017

Index : No
Internet:Yes
rna/gms

To

III Additional District Judge,
Tiruvallur.

M.DURAI SWAMY,J

rna/gms

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