

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.04.2017**

CORAM:

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

C.R.P.(N.P.D.) No.2403 of 2013 in
M.P.No.1 of 2013

1.Janakiammal
2.Lalithamani

... Petitioners

versus

C.Ravindran

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of C.P.C., against the order dated 28.11.2012 passed in I.A.No.894 of 2011 in O.S.No.425 of 1997 on the file of the learned I Additional Subordinate Judge, Coimbatore.

For Petitioners : Mr.R.Kannan

For Respondent :Mr.M.Velmurugan

ORDER

The respondent filed a suit for partition in O.S.No.425 of 1997. The suit was dismissed for default. The respondent, thereafter, filed an application to restore the suit along with an application in I.A.No.894 of 2011 to condone the delay of 2830 days.

2.The learned I Additional Sub-Judge, Coimbatore, allowed the application notwithstanding the objection made by the petitioner. The order is under challenge in this Civil Revision Petition at the instance of the defendants in O.S.No.425 of 1997.

3.Heard the learned counsel for the petitioners and the learned counsel for the respondent.

4.The suit in O.S.No.425 of 1997 was filed by the respondent for partition. The petitioners are the mother and sister of the respondent. The suit was dismissed for default.

5.The respondent in the affidavit filed in support of the application in I.A.No.894 of 2011 contended that there was a move for settlement of the civil suit and the matter was entrusted to the maternal uncle. Subsequently, he came to know that the suit was dismissed for default.

6.The learned Trial Judge has exercised the discretion and allowed the application. The learned Trial Judge has given sufficient reasons in support of his finding that the respondent should be permitted to prosecute the suit after condoning the delay. I do not find any error or illegality in the said order warranting interference

by exercising the revisional jurisdiction under Article 227 of the Constitution of India.

7. In the up shot, I dismiss the Civil Revision Petition. No costs. Consequently, connected Miscellaneous Petition is closed.

8. The learned Trial Judge is directed to dispose of the civil suit, as expeditiously as possible, and in any case, within a period of six months from the date of receipt of a copy of this order.

07.04.2017

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To

I Additional Subordinate Judge
Coimbatore.

K.K.SASIDHARAN,J.

Kj

C.R.P.(N.P.D.) No.2403 of 2013 and
M.P.No.1 of 2013

07.04.2017

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