

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Civil Revision Petition (NPD) No.3278 of 2016

1.S.Devaraj
2.S.Joseph
3.S.John Gurupatham

... Petitioners

..Vs..

1.S.Manikaraj
2.S.Prakasam
3.G.Shanmuganatham
4.B.S.Subramaniam

... Respondents

Prayer: This Civil Revision Petition has been filed under Article 227 of Constitution of India, to set aside the order passed in I.A.No.213 of 2016 in unnumbered appeal suit of 2016 dated 10.08.2016 on the file of second Additional District Judge, Erode.

For petitioner : Mr.V.Kadhirvelu
For R2 :Mr.C.E.Pratap
For R4 :Mr.N.Manokaran
For R1&R3 No appearance

ORDER

Challenging the fair and decretal order passed by the second Additional District Judge, Erode in I.A.No. 213 of 2016 in unnumbered appeal suit of 2016 dated 10.08.2016, the present revision petition has been filed.

2. According to the petitioners, they filed a suit in O.S.No.104 of

2013 before the Sub-Court, Bhavani and the said suit was dismissed. Challenging the judgment and decree passed by the Sub-Court, Bhavani, the present Civil Revision Petition has been filed.

3. According to the petitioners have taken reasons in the affidavit that they were suffering from illness therefore, they could not contact the counsel to file the appeal and the said appeal filed with delay is neither willful nor wanton but with bonafide reasons.

4. The learned counsel for the respondents states that no document has been filed in support of the petition. But, the learned counsel submits that taking into consideration that the delay is only of 38 days, he has no serious objections for allowing the application.

5. In view of the above, the instant impugned order in I.A.No.213 of 2016 on the file of the second Additional District Judge, Erode, dated 10.08.2016 is set aside. Consequently, this Civil Revision Petition is allowed.

20.12.2017

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Note: Issue order copy on or before 28.12.2017

To

The second Additional District Judge, Erode.

D.KRISHNAKUMAR, J.,

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