



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2017

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P(PD) (MD)No.370 of 2017

and

C.M.P(MD)No.1827 of 2017

C.Pandian : Petitioner

vs.

V.Srinivasan : Respondent

Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 02.12.2016 made in I.A.No.737 of 2016 in O.S.No.155 of 2008 on the file of the IV Additional District Court, Madurai.

For Petitioner : Mr.PT.S.Narendravasan

For Respondent :Mr.K.Kannan

O R D E R

The defendant in the specific performance suit failed to cross-examine PW1 leading to ex parte order. The application filed to set aside the ex parte order was allowed on condition to pay a sum of Rs.2,000/- and also another sum of Rs.1,000/- towards cost which was ordered on 20.04.2016 and kept unpaid. The defendant has not paid the cost in time. Therefore, I.A.No.737 of 2016 for extension of time filed under Section 148 CPC was dismissed. Aggrieved by that, the defendant preferred the present revision petition.

2.In CMP(MD)No.1827 of 2017 filed along with this Civil Revision Petition, by order dated 24.02.2017, this Court directed the revision petitioner to pay a total sum of Rs.4,500/- towards the cost as a pre-condition for granting interim stay.

3.Now, the learned counsel for the revision petitioner submits that as per the direction of this Court dated 24.02.2017, he has paid a sum of Rs.4,500/- to the respondent. The learned counsel for the respondent concurs the said submission of the counsel for the petitioner.



4.It is stated across the Bar by the counsels representing both the parties that if ex parte order is set aside and opportunity is given to the defendant to contest the case on merits, they will fully co-operate with the trial and complete the trial at the earliest.

5.Recording the said submission, this Civil Revision Petition is allowed. The Trial Court is directed to set aside the ex parte order and permit the defendant to contest the suit on merits and proceed further. In any event, the Trial Court shall complete the trial by end of August 2017. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

ASSISTANT REGISTRAR(CS-II)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

The IV Additional District Judge,
Madurai.

+1 CC TO K.K.KANNAN,ADVOCATE,SR NO.52881

+1 CC TO MR.PT.NARENDRAVASAN,ADVOCATE,SR NO.52669

nbi-rmk

MAS/MR:05.05.2017:2P-4C

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