



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2017

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P(MD)No.446 of 2017(NPD)

Annavi .. Petitioner/Petitioner/3rd Defendant

Vs.

1.Thangarasu .. Respondent/Respondent/Plaintiff

2.Ponnusamy Pillai

Thangammal (died)

3.Manickam

4.Arumugham

5.Bakkiyam

6.Chinnammal .. Respondents/Petitioners/Defendants

Prayer: This Civil Revision Petition is filed under Section 227 of the Constitution of India, to direct the District Munsif Court, Kulithalai, Karur District to dispose of I.A.No.502 of 2013 in O.S.No.10 of 2009 within the stipulated time which may be fixed by this Court.

For Petitioner : Mr.R.Murugappan

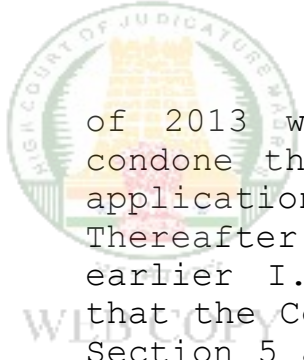
O R D E R

This Civil Revision Petition is filed for early disposal of I.A.No.502 of 2013 in O.S.No.10 of 2009, on the file of the learned District Munsif, Kulithalai, Karur District.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The learned counsel for the revision petitioner submits that I.A.No.502 of 2013 in O.S.No.10 of 2009 to set aside the exparte judgement is not yet been disposed of, which has resulted in untold hardship. Hence he prays for early disposal of I.A.No.502 of 2013.

<https://hcservices.ecourts.gov.in/hcservices/> On perusal of the affidavit and the documents relied on by the petitioner, this Court finds that an exparte decree in O.S.No.10 of 2009 was passed on 24.02.2010. Thereafter I.A.No.502



of 2013 was filed under Section 5 of the Limitation Act, to condone the delay of 1198 days in filing the said interlocutory application, which was dismissed for default on 03.04.2014. Thereafter another I.A.No.1545 of 2015 was filed to restore the earlier I.A.No.502 of 2013. From the records, this Court finds that the Court below allowed I.A.No.1545 of 2015 on 15.12.2015 and Section 5 application was restored and pending. Now the petitioner seeks early disposal of the said Section 5 application, which was dismissed for default earlier. In the interest of justice, the Court below is directed to dispose of I.A.No.502 of 2013 in O.S.No.10 of 2009 at the earliest.

5. With the above direction, this Civil Revision Petition is disposed of. No Costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To
District Munsif,
Kulithalai,
Karur District.

+1cc to Mr.r.Murugappan, Advocate, Sr No.12942

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06.03.2017

PJL
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