



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.04.2017
CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

C.R.P (MD) (PD) No.736 of 2017
and
C.M.P (MD) No.3434 of 2017

R.Kaladevi

.. Petitioner

Vs.

V.Vellaithai

.. Respondent

Prayer : Civil Revision Petition is filed Under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 18.01.2017 passed in I.A.No.341 of 2016 in O.S.No.167 of 2015 by the District Munsif Court, Theni and set aside the same by allowing this Revision Petition.

For Petitioner

:: Mr. K.Kannan

O R D E R

This Revision Petition is directed against the order passed by the Trial Court allowing interlocutory application filed under Order 9 Rule 7 of C.P.C. The revision petitioner is the plaintiff in the suit and the suit is filed for declaration, wherein the respondent herein has failed to file his written statement in time. Hence, the Trial Court has set the defendant ex-parte and adjourned the case for the proceedings.

2. Meanwhile, the defendant has filed I.A. No.341 of 2016 to set aside the ex-parte order. After hearing both the sides, the Trial Court has allowed the application with cost of payment of Rs.500/- (Rupees Five Hundred only).

3. Aggrieved by the said order, the plaintiff has preferred the present revision petition, on the ground that the respondent herein has not given proper explanation for not filing the written statement on 18.08.2016, when it was posted for filing the written statement. However, after lapse of 40 days, the present application has been filed without any supporting documents and therefore, the impugned order is liable to be set aside.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Heard the learned counsel for the revision petitioner



and perused the documents filed in support of the revision petitioner.

5. The suit in O.S.No.167 of 2015 on the file of the District Munsif Court, Theni, has been filed for injunction. Wherein the Trial Court has passed an ex-parte order on 18.08.2016 against the defendant for not filing the written statement. Aftermath the ex-parte order, the respondent herein has filed an application under Order 9 Rule 7 of C.P.C on 27.09.2016. The Trial Court, after hearing both sides, has considered to give an opportunity for the respondent to contest the matter on merits and directed the respondent to pay Rs.500/- (Rupees Five Hundred only) to the revision petitioner for the inconvenience caused to him.

6. This Court finds no reason to interfere the impugned Order, since it has been passed balancing the convenience of both the parties. Hence, this revision petition is dismissed. No Costs.

Sd/-
Assistant Registrar(Co)

/True copy/

Sub Assistant Registrar

To

The Learned District Munsif,
Theni.

Gk/mm
AE/RSK/09.05.2017/2P/2C

ORDER MADE IN

**C.R.P(MD) (PD) No.736 of 2017
and
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