



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P. (MD) No.2316 of 2016
and
C.M.P. (MD) No.10669 of 2016

1. Muthuselvi

2. Marth

.. Petitioners/Petitioners/
Respondents/Defendants

Vs.

S.T.Ponnaiah

.. Respondent/Respondent/
Petitioner/Plaintiff

PRAYER: Petition filed under Section 115 of Civil Procedure Code, to set aside the Order and Decreetal Order dated 11.08.2016 made in E.A.No.21 of 2015 in E.P.No.8 of 2014 in O.S.No.74 of 2012 on the file of the learned District Munsif, Sathankulam, and allow the above Civil Revision petition.

For Petitioners : Mr.S.Vellaichamy

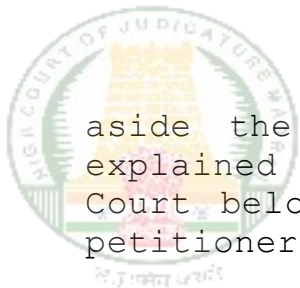
For Respondent : Mr.M.P.Senthil

O R D E R

Aggrieved over the order passed by the learned District Munsif, Sathankulam, in E.A.No.21 of 2015 in E.P.No.8 of 2014 in O.S.No.74 of 2012, dated 11.08.2016, the present Civil Revision petition has been filed.

2. Facts of the case as follows:-

The petitioners in E.A.No.21 of 2015 are the Revision petitioners. The petitioners are the defendants in the suit in O.S.No.74 of 2012. The aforesaid suit was decreed exparte. In the aforesaid suit, the respondent filed an Execution petition in E.P.No.8 of 2014 under Order 21 Rule 32 and 35 of C.P.C., for delivery of possession. In the said Execution petition, the Revision petitioners filed E.A.No.21 of 2015 praying for setting



aside the exparte order dated 02.07.2015 and also, they have explained the reasons for non-appearance before the Court. The Court below has not accepted the reasons stated by the Revision petitioners and dismissed the said application.

3. The learned counsel for the respondent would submit that the Court below has rightly dismissed the application in E.A.No.21 of 2015 which requires no interference by this Court.

4. Considering the facts and circumstances of the case, the Revision petitioners have shown sufficient cause that they were set ex-parte on 02.07.2015 and thereby resulting in ex-parte order passed in E.P.No.8 of 2014. Therefore, there shall be an opportunity given to the Revision petitioners to adjudicate the matter on merits in the E.P.No.8 of 2014, taking into consideration of the fact that the said application has been filed within 30 days from the date of order. Therefore, this Court has accepted that the sufficient cause has been stated in the affidavit in E.A.No.21 of 2015 to set aside the ex-parte order passed by the Court below, dated 02.07.2015. In view of the above, the order passed by the learned District Munsif, Sathankulam, in E.A. No.21 of 2015 in E.P.No.8 of 2014 in O.S. No.74 of 2012, dated 11.08.2016, is set aside. The learned District Munsif, Sathankulam, is directed to dispose the E.P.No.8 of 2014 on merits and in accordance with law within a period of **(*)Two** months from the date of receipt of a copy of this order.

5. Accordingly, the Civil Revision petition is allowed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl Side)

**(*)AMENDED AS PER ORDER OF THIS
HON'BLE COURT DATED 08.02.2017**

Sd/-

Assistant Registrar(Crl Side)

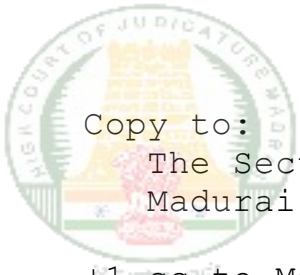
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Sub Assistant Registrar

To

TO BE SUBSTITUTED ORDER ALREADY DESPATCHED ON 25/01/2017

1. The District Munsif, Sathankulam.



Copy to:

The Section Officer, Vernacular Record Section,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.M.P.Senthil, Advocate, Sr.NO.71511

+1 cc to Mr.S.Vellaichamym, Advocate, Sr.No.72385

pmu

AAM-GSV-SV:23.01.2017/3P/5C

AE/JM/15.02.2017/3P/5C

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