

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-04-2018

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.NPD.No.1135 OF 2018

Palaniyappa Gounder (Late)

1.Nallammal

2.Periyasamy

3.Ramasamy

...

Petitioners

-VS-

Krishnan

...

Respondent

Petition against the order, dated 04.02.2017, passed in I.A.No.1026 of 2014 in O.S.No.210 of 2004 on the file of District Munsif Court, Attur, Salem District.

For petitioners : Mr.E.Kannadasan

For respondent : Mr.M.Muthappan

ORDER

Petitioners have filed this petition against the order passed by the trial Court in I.A.No.1026 of 2014 in O.S.No.210 of 2004, dismissing the application to condone the delay in filing an application to set aside the ex parte decree passed in the suit. Petitioners had filed the suit for specific performance against the respondent. The

said suit was dismissed for non-prosecution. To restore the suit, they filed the application, in which, there is a delay of 763 days. The reason for the delay, according to the petitioners, is that their mother was not well and therefore they could not follow up the case. Though the reason is not genuine because of the long delay, since the order was only ex parte, in order to give an opportunity to the parties, to meet the ends of justice and to render substantial justice, this Court is inclined to allow this petition. However, the petitioners have to compensate for the inconvenience caused to the respondent.

2. Accordingly, this Civil Revision Petition is allowed and the order passed by the trial Court is set aside, on condition that the petitioners shall pay costs of Rs.20,000/- to the respondent on or before 28.04.2018, failing which, this Civil Revision Petition stands dismissed automatically without further reference. Consequently, the connected C.M.P.No.5915 of 2018 is closed.

सत्यमेव जयते

09-04-2018

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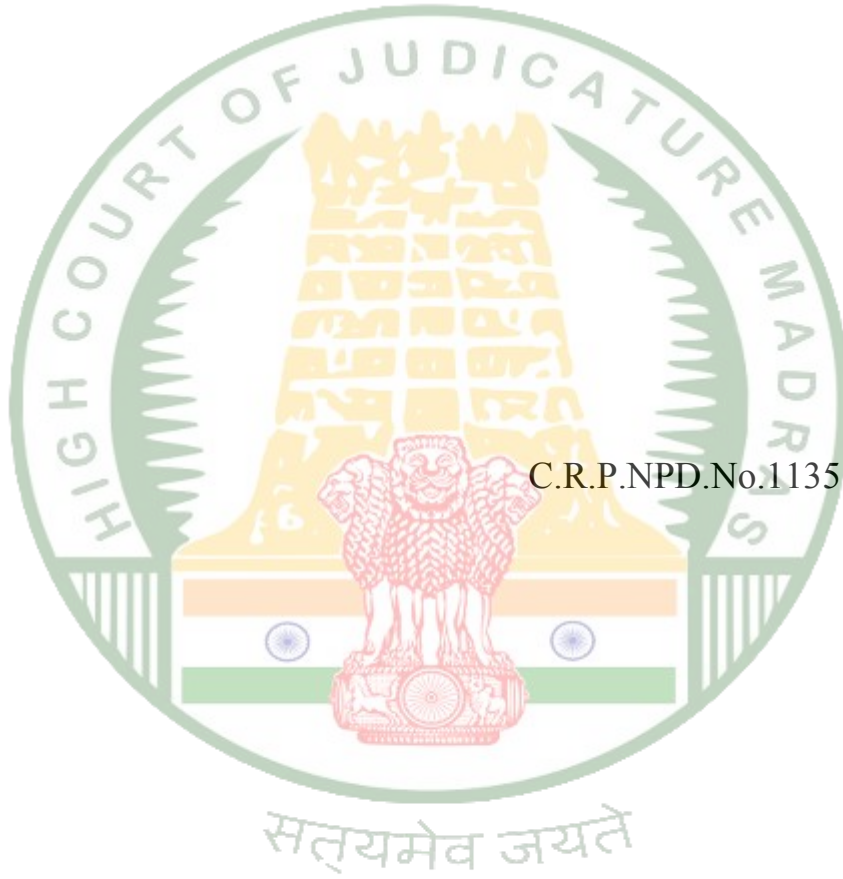
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To

District Munsif,
Attur,
Salem District.

P.VELMURUGAN,J.

dixit



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