

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP(PD).No.1158 of 2018

Thillainayaki

.. Petitioner

Vs

1.T.Srinivasan
2.T.Rajendran
3.S.Kausalya
4.S.Kavitha
5.S.Sudha
6.Minor Indu @ Sowmiya,
Rep by her father and natural guardian
T.Rajendran,
No.39-B, Sri Nagar,
Peelamedu,
Coimbatore-641 004
7.P.Raveenthiran
8.P.Palvannan

.. Respondents

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order made in IA.No.380 of 2017 in OS.No.848 of 2011, dated 11.10.2017, on the file of the I Additional Subordinate Judge, Coimbatore.

For Petitioner

: Mr.C.Veerarahavan

ORDER

The Civil Revision Petition is taken up for final disposal at the admission stage itself.

2. According to the revision petitioner, the revision petitioner / plaintiff has filed an application in IA.No.380 of 2017 in OS.No.848 of 2011 under Order 9 Rule 9 of Civil Procedure Code on the file of the I Additional Subordinate Court, Coimbatore to restore the above suit which was dismissed for default on 26.07.2016, which was allowed on payment of cost. The revision petitioner failed to comply the order within the stipulated time. Hence, the court below has dismissed the said application. Against the said order, the revision petitioner has filed the present Civil Revision Petition before this Court.

3. The learned counsel for the revision petitioner would submit that it is the case of the revision petitioner that the said suit was dismissed on 26.07.2016 and thereafter filed an application in IA.No.380 of 2017 to restore the suit. The said application was allowed on 11.10.2017 on payment of cost of Rs.600/- to Mediation and Rs.500/- to the respondents on or before 11.10.2017. The said conditional order was not been complied with. And also there is no representation for the revision petitioner. Therefore, the said application was dismissed by the

court below. According to the learned counsel for the revision petitioner, the aforesaid conditional order was passed on the same day and also dismissed for non appearance of the counsel for the revision petitioner on the same day. Hence, against the said order, the revision petitioner has filed the present Civil Revision Petition before this Court.

4. On perusal of the order passed by the court below, there is a provision under the Civil Procedure Code to file an application to seek for further time to comply with the conditional order passed by the court below. Therefore, this Court is not inclined to entertain the Civil Revision Petition. However, liberty is granted to the revision petitioner to file a necessary application before the trial court seeking for appropriate orders for compliance of the order dated 11.10.2017.

5. The Civil Revision Petition is dismissed with above observations. No costs.

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23.03.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

D. KRISHNAKUMAR J.,

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To

The I Additional Subordinate Judge,
Coimbatore.



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