

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

C.R.P. (NPD) No.312 of 2018

and

C.M.P. No.1682 of 2018

N. Ranganathan

.. Petitioner

Vs.

S. Ramakrishnan

.. Respondent

PRAYER : Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the conditions imposed in the impugned order and decretal order dated 04.07.2017 passed by the learned District Munsif Judge at Pollachi in I.A. No.173 of 2017 in O.S. No.505/2007 and pass such further orders.

For Petitioner : Mr. S. Saravanan

For Respondent : Mr. P.S. Kothandaraman

ORDER

This revision is filed to set aside the conditions imposed in the impugned order and decretal order dated 04.07.2017 passed by the learned District Munsif Judge at Pollachi in I.A. No.173 of 2017 in O.S. No.505/2007.

2. The respondent has filed a money suit in O.S. No.505 of 2007 against the petitioner. The petitioner filed written statement on 12.02.2008. Since the petitioner failed to appear, an ex-parte decree dated 23.10.2008 was passed in the suit, by the District Munsif Court, Pollachi. Aggrieved by the said decree, the petitioner filed the application in I.A. No.173 of 2017 to set aside the same. According to the petitioner, the said application was not numbered for one reason or the other. Finally the afore said application was numbered and after hearing the parties the court below allowed the application, directing the petitioner to deposit the entire suit claim of Rs.60,000/- and to pay a sum of Rs.5000/- towards cost to the respondent on or before 12.07.2017. Challenging the same, the present revision petition is filed before this Court.

3. On instructions, the learned counsel for the petitioner submitted that the petitioner undertakes to pay 50% of the principal amount of Rs.30,000/- and the cost of Rs.5000/- to the respondent. The respondent could not have any serious objection to the said submission of the petitioner.

4. Therefore, in view of the above submission of the learned counsel for the parties, this Court is inclined to pass the following order :-

1. The order dated 04.07.2017 passed by the court below in I.A. NO.173 of 2017 in O.S. No.505 of 2008 is modified to an extent of, directing the petitioner to deposit 50% of the principal amount i.e. a sum of Rs.30,000/- and Rs.5000/- to the respondent towards cost, within a period of four weeks from the date of receipt of a copy of this order.
2. In the event of the modified order being complied with, the trial court is directed to dispose of the suit in O.S. No.505 of 2008, as expeditiously as possible, preferably before 30.06.2008.
3. In case of default in compliance of the aforesaid order, the Civil Revision Petition stands automatically dismissed.

D. KRISHNAKUMAR J.,

avr

5. The Civil Revision Petition is disposed of, with the above direction. Consequently, the connected M.P is closed. No order as to costs.

08.02.2018

Index : Yes/ No

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To

The District Munsif Court
Pollachi.

सत्यमेव जयते

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