

IN THE HIGH COURT OF JUDICATURE AT MADRAS**Dated : 27.04.2018****Coram: The Honourable Mr. Justice N. SESHASAYEE****C.R.P(NPD)No.868 of 2011
and
M.P.No.1 of 2011**

- 1.T.Sekar Raj (died)
- 2.S.Parthiban

(P2 brought on record as LR of the deceased sole petitioner viz., T.Sekar Raj vide Court Order dated 13.4.2018 made in M.P.No.1 of 2014 in C.R.P(NPD)No.868 of 2011)

...Petitioners

Versus

- 1.Chennai Metropolitan Development Authority,
Rep. By its Member Secretary,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.
2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

...Respondents

This Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decretal order dated 01.11.2010 in I.A.No.17339 of 2009 in O.S.No.2820 of 2004 on the file of the learned XV Assistant Judge, City Civil Court, Chennai.

For Petitioners : Mrs.AL.Gandhimathi
For Respondent : Mr.C.Johnson

ORDER

This Civil Revision Petition is preferred by the plaintiff in O.S.No.2820 of 2004 which he has filed for declaration of his title over the suit property and for allied reliefs. The pleadings in the suit are completed and issues were settled and the trial of the case has begun. When the stage is set for cross examining the plaintiffs, defendants did not appear. The defendants were therefore set ex-parte and the suit was decreed on 17.12.2007. Subsequently, the defendants had filed an application for setting aside the ex-parte decree with another application in I.A.No.17339 of 2009 for condoning a delay of 593 days. This was allowed by the Trial Court. This order is now under challenge in this Civil Revision Petition.

2. Heard Mrs.AL.Gandhimathi, the learned counsel appearing for the petitioners and Mr.C.Johnson, the learned counsel appearing for the respondents.

3. The controversy involved in this case is related to an allotment of a plot for the lower income category of people measuring an extent of 521 Sq.ft. The allotment was made some time in 1987. As against

the stated price of Rs.50,000/-, the revision petitioner had paid only Rs.20,000/- and the balance with interest etc., would now come around Rs.1.8 Lakhs.

4. In the course of the submissions, this Court finds that the matter could be amicably settled between the parties. This apart, on going through the order, this Court does not find any material irregularity in the approach of the Court in condoning the delay.

5. Given the nature of the fact that the public funds are also involved, this Court deems it appropriate not to interfere with the order of the Trial Court and dismiss the same. As already indicated, since there is a possibility of resolution of this dispute through mediated settlement, the Trial Court is instructed to explore the possibility in this regard.

6. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

27.04.2018

mrr

Index : Yes / No

To

<http://www.judis.nic.in>

The Assistant Judge No.XV,

City Civil Court,
Chennai

N. SESHASAYEE, J.,

mrr



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