

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2018

CORAM

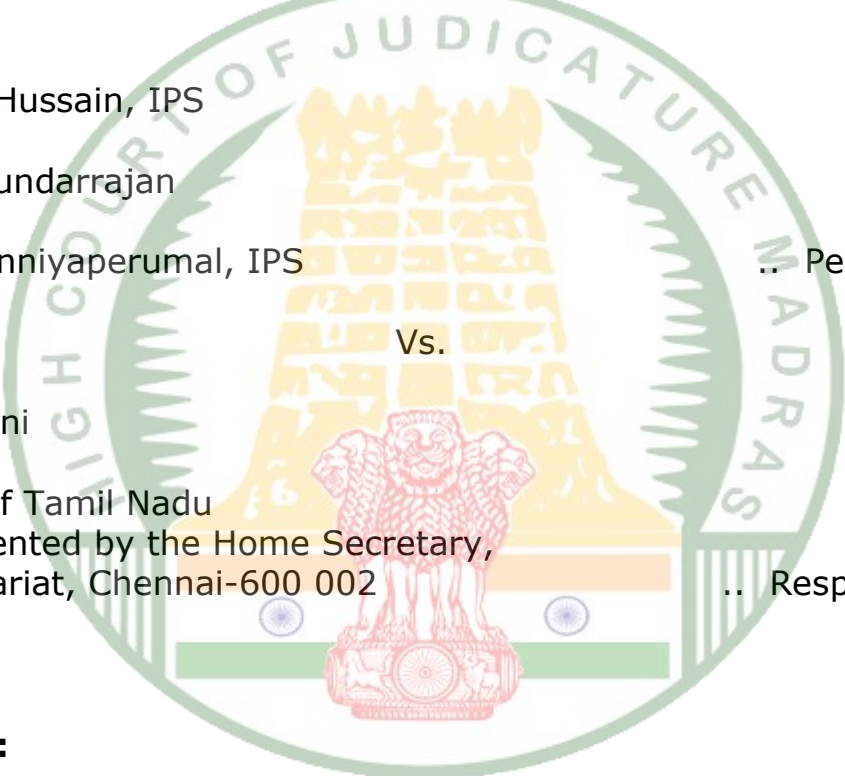
THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.(PD).No.60 of 2018
and CMP.No.225 of 2018

1. Anisa Hussain, IPS
2.V.R.Soundarrajan
3.G.K.Vanniyaperumal, IPS .. Petitioners

Vs.

1.Kalaivani
2.State of Tamil Nadu
represented by the Home Secretary,
Secretariat, Chennai-600 002 .. Respondents

The seal of the High Court of Judicature at Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital in front of it. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed around the perimeter. At the bottom, there is a red border with a white wheel in the center.

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the Order and Decretal order in IA.No.158 of 2016 in OS.No.149 of 2010 dated 10.08.2017 on the file of the Additional Special Judge - Court, Krishnagiri.

For petitioners : Mr.G.Surya Narayanan

ORDER

According to the revision petitioners, the first respondent herein has filed a suit in OS.No.149 of 2010 for compensation against the defendants / the revision petitioners herein. When the aforesaid suit was posted for trial on 17.02.2016, the first respondent / plaintiff did not appear before the Court. Hence, the suit was dismissed for default. Pursuant to that, the first respondent has filed an application in IA.No.158 of 2016 to restore the suit. According to the first respondent, she was suffering from stomach pain and menstrual bleeding and hence she could not appear before the trial court on 17.02.2016. The aforesaid application was allowed by the court below on payment of cost of Rs.1,000/- and subsequently the conditional order has been complied by the first respondent. Challenging the said order, the defendants / revision petitioners have filed the present Civil Revision Petition before this Court.

2. The learned counsel for the revision petitioners would submit that there is no sufficient reason has been stated in the affidavit to allow the application. Therefore, the order of the court below is liable to be set aside.

3. A perusal of records shows that the suit was posted

for trial on 17.02.2016. On that day, the first respondent was not able to appear before the court below. Therefore, the ex-parte decree was passed. The first respondent has also filed the instant application within the stipulated time of 30 days. The said application was restored by the court below by providing an opportunity to the first respondent. Therefore, there is no warrants to interfere with the orders passed by the court below and hence, the Civil Revision Petition is liable to be set aside.

4. At this stage, the learned counsel for the revision petitioners seeks direction of this Court directing the court below to dispose of the suit within the time frame as may be fixed by this Court.

5. In view of the above facts and circumstances of the case, the Civil Revision Petition is dismissed. Since the suit is of the year 2010, the trial court is directed to dispose of the suit in OS.No.149 of 2010 in accordance with law as expeditiously as possible within the period of six months from the date of receipt of a copy of this Order, if there is no other impediment.

6. The Civil Revision Petition is dismissed with above

observations. Consequently, the connected miscellaneous petition is closed. No costs.

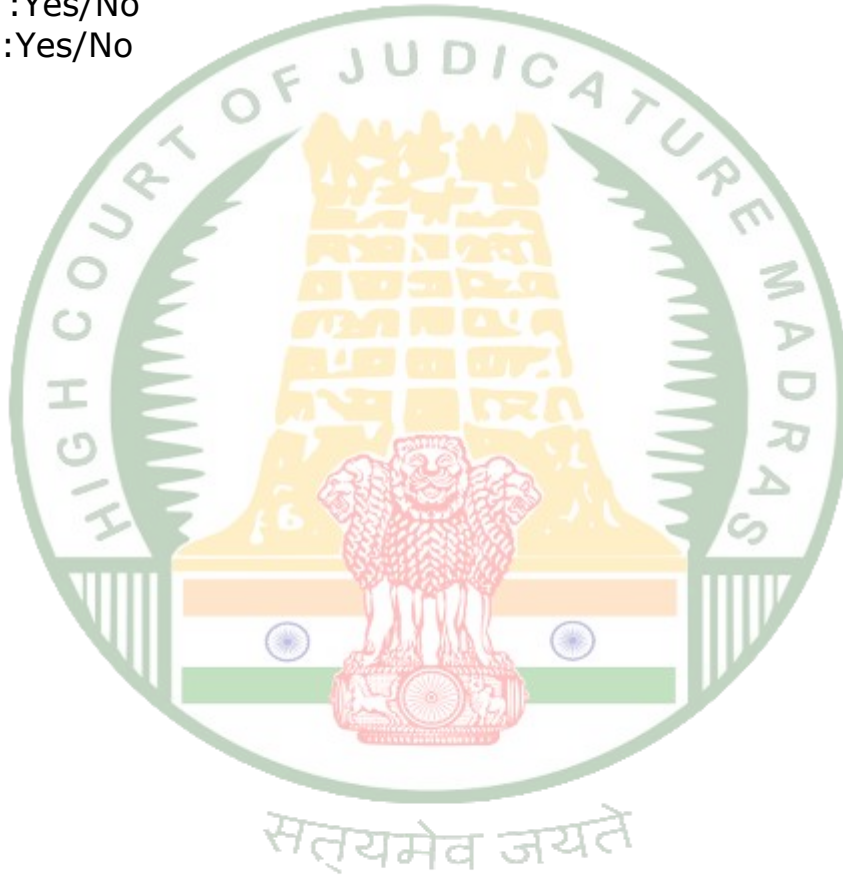
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Speaking / Non Speaking order

Index :Yes/No

Internet :Yes/No

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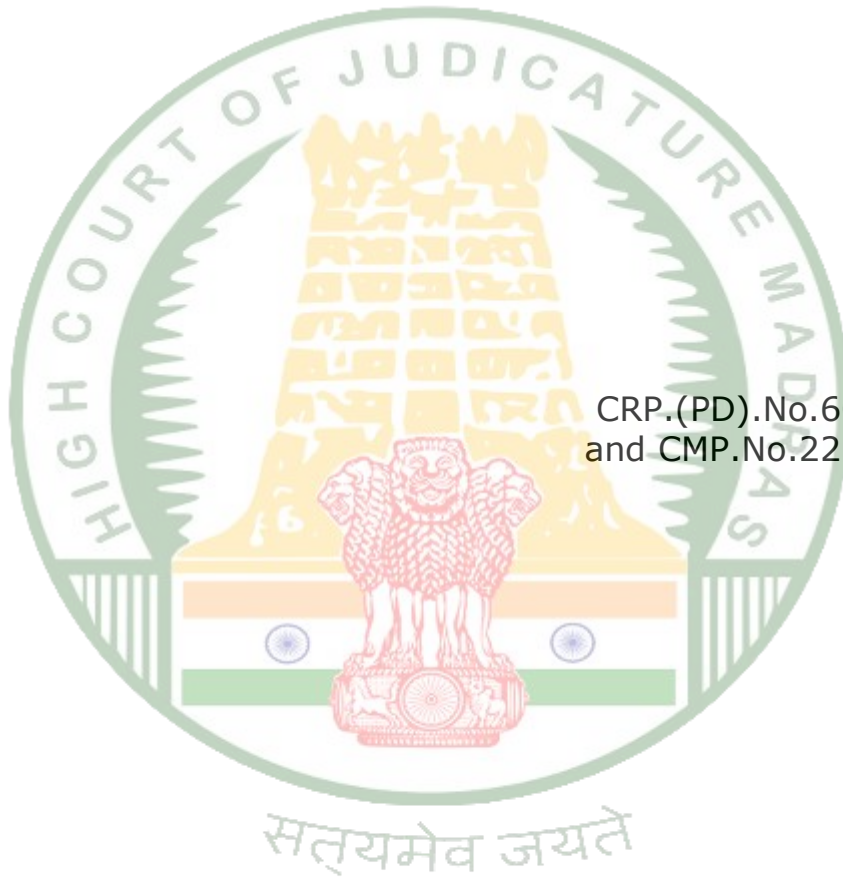
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To
The Additional Special Judge - Court,
Krishnagiri.



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D.KRISHNAKUMAR.J,



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