

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 13.07.2018****CORAM****THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN**C.R.P (MD) .Nos.1393 and 1394 of 2015

WEB COPY

Vincent

... Petitioner / 1st defendant in both CRPs

Vs.

1. Mariya Soosai

2. Benjamin

3.Emili

... Respondents 1 & 2/ Plaintiffs 1 and 2

.. 3rd respondent / 2nd defendant in both CRP(3rd respondent is given up in this CRP)

Common Prayer: These Civil Revision Petitions are filed under Section 115 CPC against the order dated 06.01.2015 and 23.01.2015 respectively passed in I.A.Nos.368 and 369 of 2011 in O.S.No.107 of 2007 by the learned District Munsif, Nilakkottai.

For Petitioner

... Mr.J. Barathan

For R1 and R2

... Mr. S. Lawrence Vimalraj

For R3

... Given up in both cases.

C O M M O N O R D E R

These Civil Revision Petitions have been filed against the order passed in I.A.Nos.368 and 369 of 2011 in O.S.No.107 of 2007, by the learned District Munsif, Nilakkottai, , dated 06.01.2015 and 23.01.2015 respectively.

2. The revision petitioner, who is the first defendant in the suit in O.S.No.107 of 2007, has filed the applications in I.A.Nos.368 and 369 of 2011, on the file of the learned District Munsif, Nilakkottai, to condone the delay of 388 days in filing an application to set aside the ex parte decree and to set aside the ex parte decree passed in the suit and the same have been dismissed by the Court below on the ground that the petitioner has not given any valid reason for condoning the delay. Against the said orders, the petitioner has filed the present Civil Revision petitions.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. Considering the reason for the delay and the length of the delay, this Court is inclined to allow these petitions and accordingly, these Civil Revision Petitions are allowed subject to the following conditions:



(a) the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the respondent, within a period of two weeks from the date of receipt of a copy of this order.

(b) On production of the payment receipt, the learned District Munsif, Nilakkottai, is directed to restore the suit in O.S.No.107 of 2007 on its file and thereafter, dispose of the same within a period of three months, after issuing notice to both parties.

(c) No order as to costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The District Munsif, Nilakkottai.

+1cc to Mr.S. Lawrence Vimalraj, Advocate SR.No.72919

+1cc to Mr.T.R.Jeyapalam, Advocate Sr.No.73360

TRP

VB/KAK/SAR3/16.08.2018/2P/4C

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