



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P.(MD)No.2668 of 2015 (NPD) and
M.P(MD).No. 1 of 2015

1.Balasubramanian
2.Kanmani

.. Petitioners

Vs.

Rajakumari

.. Respondent

PRAYER: This petition is filed under Section 115 of CPC to set aside the fair and decretal order dated 26.10.2015 passed in I.A.No.113 of 2012 in O.S.No.146 of 2007 on the file of the II Additional District Sessions Judge, Thanjavur.

For Petitioner : Mr.G.Karnan

For Respondent : No appearance

ORDER

This Civil Revision Petition has been filed by the revision petitioners, to set aside the fair and decretal order, dated 26.10.2015, passed in I.A.No.113 of 2012, in O.S.No.146 of 2007, on the file of the II Additional District Sessions Judge, Thanjavur.

2. The revision petitioners have filed an Interlocutory Application in I.A.No. 113 of 2012 in O.S.No.146 of 2007, on the file of the II Additional District Sessions Judge, Thanjavur, to condone the delay of 30 days in preferring the application to set aside the ex parte decree, dated 26.06.2009. The said application was dismissed on the ground that the petitioners have not explained the delay of each and every day and they have not produced any documentary evidence for Jaundice. Against the said order, the petitioners have filed the present Civil Revision petition.

3. Heard the learned counsel appearing for the petitioners. Though the notice was served none appeared for the respondent.

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



(a) the petitioners shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the Tamil Nadu State Legal Services Authority attached to this Bench, within a week from the date of receipt of a copy of this order.

WEB COPY

(b) On production of the receipt, the learned II Additional District and Sessions Judge, Thanjavur, is directed to set aside the ex parte order, dated 26.10.2005, passed in I.A.No. 113 of 2012 in O.S.No.146 of 2007 and pass appropriate orders in the Suit in O.S.No.146 of 2007, within a period of two months, after issuing notice to both parties.

No order as to costs.
Miscellaneous Petition is closed.

Consequently, the connected

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

The II Additional District Sessions Judge, Thanjavur.

+1CC to Mr.G.Karnan, Advocate, SR.No. 60831

C.R.P.(MD)No.2668 of 2015 (NPD) and
M.P(MD).No. 1 of 2015
11.04.2018

trp

AM/KKR/SAR 3/25.04.2018/2P/3C