



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.960 of 2018

R.Perumal ... Petitioner/Petitioner/
6th Defendant
Vs.

K.Murugan,
Represented by his Power Agent,
Karuppat Thevar ... Respondent/Respondent/
Plaintiff

PRAYER : Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the order dated 28.11.2017 made in I.A.No.615 of 2017 in O.S.No.42 of 2014 on the file of the District Munsif, Uthamapalayam and to allow the same.

For Petitioner : Mr.M.Karuppasamy
For Respondent : Mr.K.Guhan

O R D E R

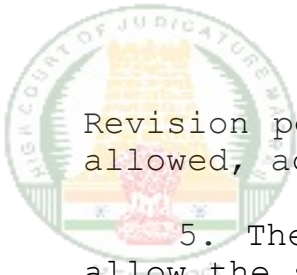
The sixth defendant in O.S.No.42 of 2014 on the file of the District Munsif Court, Uthamapalayam, is the Revision petitioner herein. The said suit was filed for the relief of declaration and permanent injunction. The Revision petitioner remained ex-parte. The suit came to be decreed on 24.06.2015. Seeking to set aside the same, the Revision petitioner filed an application under Order 9 Rule 13 of C.P.C. However, there was a delay of 516 days in filing the said application. The Court below by order dated 28.11.2017 dismissed the said Interlocutory application. Questioning the same, this Civil Revision petition has been filed.

2. Heard the learned counsel on either side.

3. As rightly pointed out by the learned counsel appearing for the respondent, the attitude of the Revision petitioner has been far from satisfactory. At every stage he has been adopting a policy of defiance and non-cooperation. However, since valuable immovable property rights are involved, this Court is of the view that one final opportunity can be given to the Revision petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

4. In this view of the matter, the order impugned in this Civil



Revision petition is set aside. The Civil Revision petition stands allowed, accordingly.

5. The Court below shall number the set aside application and allow the same also. The learned counsel appearing for the Revision petitioner undertook that he can be put on terms. The Revision petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) towards cost to the learned counsel appearing for the respondent in this Civil Revision petition within a period of two weeks from the date of receipt of a copy of this order. If the cost is not paid to the respondent's counsel who is appearing in the Civil Revision petition within the aforesaid period, the order passed now shall stand recalled and the Civil Revision petition would stand dismissed. The Revision petitioner is strictly directed to extend his fullest cooperation for the expeditious disposal of the suit.

6. The suit is of the year 2014. Therefore, the Court below shall dispose of O.S.No.42 of 2014 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The District Munsif,
Uthamapalayam.

- 1 CC TO Mr.M.Karuppasamy, ADVOCATE IN SR No. 89381.
+ 1 CC TO Mr.K.Guhan , ADVOCATE IN SR No. 89359.

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