



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) .No.996 of 2018

1. P.Aavuthianna Gounder
2. A.Muthusamy
3. T.Thulasimani

... Petitioners/Petitioners/
Defendants

Vs.

P.Karmegam

... Respondent/Respondent/
Plaintiff

PRAYER : Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order dated 09.01.2018 passed in I.A.No.171 of 2017 in O.S.No.59 of 2016 on the file of the learned Principal District Judge, Karur, by allowing this Civil Revision petition with cost.

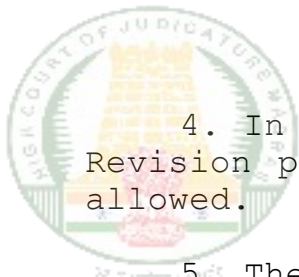
For Petitioners	: Mr.D.Nallathambi
For Respondent	: Mr.S.Gokulraj

O R D E R

The defendants in O.S.No.59 of 2016 on the file of the Principal District Court, Karur, are the Revision petitioners herein. It is a suit for specific performance. The Revision petitioners herein suffered an ex-parte decree. To set aside the same, an application was filed. But there was a delay of 12 days in filing the same. To condone the same, I.A.No.171 of 2017 was filed. The Court below by order dated 09.01.2018 dismissed the said application. Challenging the same, this Civil Revision petition has been filed.

2. Heard the learned counsel on either side.

3. This Court is of the view that since the decree is one for specific performance, an indulgent approach is called for. It is also seen that the delay occasioned in filing the set aside petition is not inordinate.



4. In this view of the matter, the order impugned in this Civil Revision petition is set aside. The Civil Revision petition stands allowed.

5. The Revision petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) towards costs to the learned counsel appearing for the respondent herein. This shall be done within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Principal District Judge,
Karur.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.D.NALLATHAMBI, ADVOCATE IN SR No. 85450
+ 1 CC TO Mr.S.GOKULRAJ, ADVOCATE IN SR No. 85447

PMU
TE/VB/PM/SAR-2 : 22/10/2018 : 2P/6C

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