



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP(MD)Nos.1007 & 1275 of 2018 (NPD)

and

CMP(MD)Nos.4367 & 5372 of 2018

Saravana Raj

...Revision Petitioner/Petitioner/
Defendant(in both cases)

Vs.

Davit Pandiyan

... Respondent/Respondent/Plaintiff
(in both cases)

Prayer in CRP(MD) No.1007 of 2018 : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed by the District Munsif cum Judicial Magistrate No.1 Court, Sattur in I.A No.112 of 2017 in O.S No.52 of 2016 dated 11.12.2017 and allow the I.A No.112 of 2017.

Prayer in CRP(MD) No.1275 of 2018 : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed by the District Munsif Court, Sattur in I.A No.583 of 2016 in O.S No.52 of 2016 dated 08.02.2017 and allow the I.A No.583 of 2016.

For Petitioner : Mrs.Lakshmi Gopinathan
for M/s. Polax Legal Solution

For Respondent : Mr.S.Mahalakshmi

COMMON ORDER

The defendant in O.S No.52 of 2016 on the file of the learned District Munsif Court, Sattur is the revision petitioner in these civil revision petitions. The suit was filed for injunction by the respondent herein. The suit was allowed to be decreed exparte. To set aside the same, the revision petitioner filed an interlocutory application. The same was dismissed for non prosecution. To restore the same, another I.A was filed. The said restoration I.A was allowed on payment of costs. Then, he filed an application for extension of time under Section 148 of CPC. It was dismissed. In these circumstances, these two

civil revision petitions have been filed.

2. This Court is of the view that since the suit is between the brothers, an indulgent view can be taken and the revision petitioner can be given one more opportunity to contest the matter on merits. Of course, the revision petitioner will have to be put on terms. The learned counsel appearing for the revision petitioner on instructions undertook that he would pay a sum of Rs.5,000/- as costs to the plaintiff directly. This amount shall be paid within a period of two weeks from the date of receipt of a copy of this order. If the revision petitioner does not pay the aforesaid amount within the above said period, the order passed in this civil revision petition would stand automatically recalled and this civil revision petition will stand dismissed.

3. Upon fulfilment of this condition as to payment of costs, the court below shall allow all the applications filed by the revision petitioner herein by permitting him to contest the suit on merits. The plaintiff is said to be a blind person. Therefore, the court below is directed to dispose of the suit itself within a period of six months from the date of receipt of a copy of this order. The orders impugned in these civil revision petitions are set aside and these civil revision petitions are allowed on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

sd/

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The District Munsif cum Judicial Magistrate No.1,
Sattur.

2. The District Munsif, Sattur.

+1cc to M/S.POLAX LEGAL SOLUTIONS, Advocate in SR.No. 86095

SKM

DS/RP/SAR3/27.10.2018/2P/4C

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and

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