



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (PD) (MD) Nos.1016 & 1017 of 2018
and
CMP(MD) Nos.4378 & 4382 of 2018

1.Chinnamuthu

2.Karuppaiah

3.Vijayalakshmi

...Petitioners in both cases

Vs.

Pakkiyam

...Respondent in both cases

Prayer : Civil Revision Petitions are filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal orders passed in I.A No.492 & 493 of 2017 in O.S No.124 & 129 of 2012 dated 03.01.2018 on the file of the learned District Munsif Court, Aranthangi.

In both cases:

For Petitioners: Mr.K.Vamanan

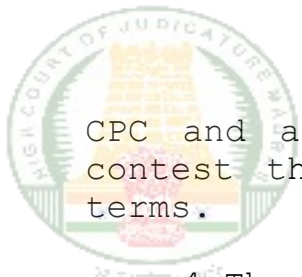
For Respondent : Mr.R.P.Ramachanthiran

COMMON ORDER

The defendants in O.S Nos.124 and 129 of 2012 on the file of the District Munsif Court, Aranthangi are the revision petitioners herein. The suits were allowed to be decreed exparte. There is also considerable delay in filing the set aside application for setting aside exparte decrees. Therefore, the court below dismissed the I.As filed by the revision petitioners herein for condoning the delay occasioned in filing the set aside applications. Questioning the same, these two civil revision petitions have been filed.

2.Heard the learned counsel on either side.

3.Since property rights are involved, this Court is of the view that one more opportunity can be given to the revision petitioners to contest the proceedings. Accordingly, the orders impugned in these civil revision petitions are set aside. The court below shall number the I.As filed under Order 9 Rule 13 of



CPC and also allow the same. The petitioners are permitted to contest the suits on merits. But then, they have to be put on terms.

4. The revision petitioners in both these civil revision petitions are one and the same. They shall pay a sum of Rs.5,000/- as cost covering both the cases directly to the learned counsel appearing for the respondent in this CRP. The said amount shall be paid within a period of three weeks from the date of receipt of a copy of this order. The suits are of the year 2012. Therefore, the trial court is directed to dispose of the suits within a period of four months from the date of receipt of a copy of this order. It is made clear that if the cost amount is not paid as directed above, the order passed in these civil revision petitions will stand recalled and both the petitions will stand dismissed.

5. These civil revision petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS-III)

To

The District Munsif Court, Aranthangi.

+ 1 CC TO MR.K.VAMANAN, ADVOCATE IN SR NO.88329

+ 1 CC TO MR.R.P.RAMACHANTHIRAN, ADVOCATE IN SR NO.88131

SKM

BU/PM/SAR-III:31.10.2018 : 2P/4C

**CRP (PD) (MD) Nos.1016 & 1017 of 2018
and
CMP(MD) Nos.4378 & 4382 of 2018
28.09.2018**