



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 31.10.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD) No.1054 of 2018 (NPD)

1.Prabhu
2.Rasu @ Rasu Thevar
3.Saraswathi
4.Sathya

... Petitioners/Petitioners/
Defendants

Vs.

P.Selvam

...Respondent /Respondent/
Plaintiff

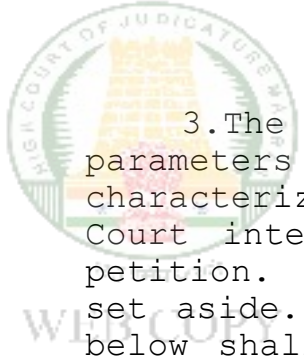
Prayer: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order dated 18.10.2016 made in I.A No.120 of 2015 in O.S No.138 of 2012 on the file of the District Munsif, Uthamapalayam.

For Petitioners : Mr.P.Arun Jayatram
For Respondent : Mr.S.Balaji

ORDER

O.S No.138 of 2012 on the file of the District Munsif Court, Uthamapalayam was filed by one P.Selvam against the revision petitioners herein. It is a suit for bare injunction. An exparte judgment and decree was passed on 21.01.2013. To set aside the same, the revision petitioners filed an application under Order 9 Rule 13 of CPC. However, there was a delay of 708 days in filing such an application. To condone the same, I.A No.120 of 2015 was filed. The court below by order dated 18.10.2016 dismissed the said I.A. Challenging the same, this civil revision petition has been filed.

2.This Court wanted to know as to how the original judgment was rendered decreeing the said suit as prayed for. The Judgment made in O.S No.138 of 2012 is cryptic and non speaking. It only states that the plaintiff is present and the defendants are absent and that the case has been proved and therefore, the relief is granted to the plaintiff. Excepting this, there is no other averment in the judgment and decree dated 21.01.2013. The court below has not even bothered to see if the plaintiff has established his possession over the suit property.



3.The order passed by the court below does not meet any of the parameters laid down under Order 20 of CPC. It cannot be characterized as a judgment at all. It is for this reason, this Court interferes with the order impugned in this civil revision petition. The order impugned in this civil revision petition is set aside. This civil revision petition is allowed. The court below shall number the set aside application and allow the same also.

4.The suit is of the year 2012. Therefore, O.S No.138 of 2012 is also directed to be concluded on merits and in accordance with law within a period of five months from the date of receipt of a copy of this order. The revision petitioners undertake to deposit a sum of Rs.5,000/- towards costs to the credit of O.S No.138 of 2012, within a period of four weeks from the date of receipt of a copy of this order. It is open to the plaintiff to withdraw the same. If the cost amount is not deposited, the defence of the revision petitioners shall be struck off. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The District Munsif, Uthamapalayam.

+1 cc to Mr.S.Balaji,Advocate,SR.No.93887

+1 cc to Mr.P.Arun JaytRam,Advocate,SR.No.93964

Skm

SS/SV/SAR 3/13.12.2018/2P/4C

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