



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.08.2018**

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

C.R.P. (NPD) (MD) .No.1091 of 2017

Selvaraj

... Revision Petitioner/
Petitioner/Plaintiff

Vs.

1.Babu Raja
Selvin Anandakodi (Died)
2.Albert Aspic Ashok kumar
3.Ganapathy Ammal
4.Muthuraman
5.Vadivel Ravi
6.Gomathi @Kavitha
7.Veerakumar
8.Karunakaran

... Respondents/ Defendants

PRAYER: Civil Revision Petition filed under Section 115 of CPC to set aside the fair and decreetal order dated 10.11.2016 passed in I.A.No.352 of 2016 in O.S.No.54 of 2012 on the file of Additional District Munsif Court, Ambasamudram by allowing this Civil Revision Petition with cost.

For petitioner : Mr.V.Meenakshi Sundaram
for Mr.D.Nallathambi

For R1, R4 to R8 : Mr.R.J.Karthick

O R D E R

The revision petitioner is the plaintiff in the suit in O.S.No.54 of 2012. The suit was one for permanent injunction. The suit was dismissed for default. To restore the same, the revision petitioner filed an application. But there was a delay of 385 days. Hence I.A.No.352 of 2016 was filed for condoning the same. The Court below dismissed the said I.A. Aggrieved by the same this Civil Revision Petition has been filed.

2. This Court is of the view that the learned Additional District Munsif, Ambasamudram, ought to have adopted an indulgent approach and permitted the revision petitioner to prosecute the suit on merits. Therefore, the order impugned in this Civil Revision Petition is set aside. The learned Additional District Munsif, Ambasamudram, is directed to allow the I.A.No.352 of 2016 for restoration of the suit.



3. With this directions, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

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/True Copy/

Sub Assistant Registrar (CS-II)

To

Additional District Munsif,
Ambasamudram.

+1cc to Mr.D.Nallathambi, Advocate SR.No.78497

+1cc to Mr.R.J.Karthick, Advocate SR.No.78463

Pnn

MK/SKN/SAR 2/03.09.2018/2P/4C

ORDER MADE IN
C.R.P. (NPD) (MD) .No.1091 of 2017
13.08.2018