



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (NPD) (MD) No.1168 of 2017

1.Sankaralingam
2.Santhalingam
3.Mallika

...Petitioners / Petitioners /
Defendants

-vs-

Mayilvaganan

... Respondent/Respondent
/ Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the fair and decreetal order passed by the learned District Munsif, Musiri, Trichy District in I.A.No.678 of 2015 in O.S.No.274 of 2010 dated 08.09.2016.

For Petitioner : Mr.M.Siddharthan
For Respondent : Mr.A.V.Rajasekaran

ORDER

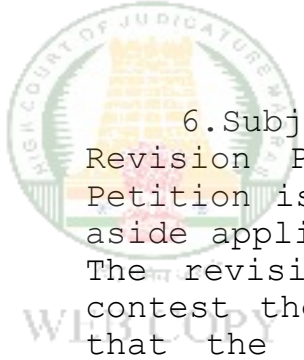
The defendants in O.S.No.274 of 2010 on the file of the District Munsif, Musiri, Trichy suffered an exparte decree. They filed an application under order 9 Rule 13 of C.P.C.. But there was delay of 262 days. To condone the same, I.A.No.678 of 2015 was filed and the same was dismissed by the Court below. Questioning the same, this Civil Revision Petition has been filed.

2.Heard the learned counsel on either side.

3.The learned counsel for the respondent wanted this Court to sustain the order passed by the trial Court and dismiss this Civil Revision Petition. He pointed out that the revision petitioner has not given sufficient reasons explaining the delay.

4. I am of the view that the delay in this case cannot be said to be too inordinate. In any event the reasons set out in the affidavit filed in support of the condone delay petition are sufficient.

5.Further the revision petitioner will have to be put on terms. The learned counsel for the petitioner on instructions would submit that a sum of Rs.5,000/- will be paid as cost to the plaintiff within a period of three weeks from the date of receipt of a copy of this order.



6. Subject to this condition, the impugned order in this Civil Revision Petition is set aside and the present Civil Revision Petition is allowed. The Court below is directed to number the set aside application and allow the same. The suit is restored on file. The revision petitioner shall be given one more opportunity to contest the matter on merits. The revision petitioner undertakes that the defendants will extend their fullest co-operation for speedy conclusion of the suit. The suit was filed way back in the year 2010. Therefore, the Court below is directed to conclude the same within a period of five months from the date of receipt of a copy of this order.

Sd/
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar (CS-II)

To

1. The District Munsif,
Musiri, Trichy District

2. The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1cc to Mr.A.V.Rajasekaran, Advocate, SR.No. 79409

+1cc to Mr.M.SIDDHARTHAN, Advocate, SR.No. 79453

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KK/SKN/SAR-2/19.09.2018/2P-6C