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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2018

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P.(MD)No.1864 of 2017

S.Raja ... Petitioner

Vs.

1.S.P.N.Ramanathan
(1st Respondent set ex-parte before the Lower Court)
2.P.Yogarajan ... Respondents

Prayer : Civil Revision Petition filed under Section 115 of C.P.C. to set aside the fair and decreetal order made in I.A.No.496 of 2017 in O.S.No.167 of 2010 on the file of the District Munsif Court, Aranthangi, Pudukkottai District dated 07.08.2017.

For Petitioner	:	Mr.M.Suresh
For R1	:	Ex-parte
For R2	:	Mr.K.Balasundaram

O R D E R

This Civil Revision case is filed to set aside the fair and decreetal order made in I.A.No.496 of 2017 in O.S.No.167 of 2010 passed by the District Munsif Court, Aranthangi, Pudukkottai District dated 07.08.2017.

2.The petitioner, who is the plaintiff, has filed the suit in O.S.No.167 of 2010 for execution of sale deed based on an agreement dated 28.03.2007. The suit was dismissed on 30.07.2014 for non prosecution. For restoring the suit, the petitioner / plaintiff filed an interlocutory application in I.A.No.496 of 2017. However, the same was dismissed on the ground that the petitioner / plaintiff has not shown sufficient reason for restoration of the suit.

3.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4.The reason for delay must be properly explained. Even though the reasons stated by the petitioner is not a convincing one, the Trial Court ought to have allowed the application by

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imposing certain terms. Hence, this Court is of the view an opportunity should be given to the petitioner to contest the case. Accordingly, the delay is condoned on condition that the petitioner shall pay a sum of Rs.50,000/- (Rupees fifty thousand only) to the respondents. On complying with the said condition, the Trial Court shall restore the suit on file and dispose of the same, within a period of 3 months.

5.This Civil Revision petition shall stand allowed. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The District Munsif,
   Aranthangi,
   Pudukkottai District.

2. The Section Officer,
   Vernacular Records Section,
   Madurai Bench of Madras High Court,
   Madurai. (2 Copies)

+ 1 CC TO Mr.M.SURESH, ADVOCATE IN SR No. 76734
+ 1 CC TO Mr.K.BALASUNDHARAM, ADVOCATE IN SR No. 77204

GNS
TE/RSK/SAR-1 : 24/09/2018 : 2P/6C

C.R.P.(MD)No.1864 of 2017
02.08.2018

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