



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P.(PD)(MD)No.2257 of 2017  
and  
C.M.P.(MD).No.10983 of 2017

1.M.Perumal  
2.Manimekalai

... Petitioners/Defendants 1 & 2

Vs.

V.Parvathy (Died)  
V.Srinivasan

... Respondents/Plaintiffs.

Prayer: The Civil Revision Petition is filed under Section 115 of C.P.C., against the fair and decreetal order dated 10.10.2017 made in I.A.No.723 of 2015 in O.S.No.1383 of 1995 passed by the Additional District Munsif, Lalgudi.

For Petitioners : Mr.Padmanaban

For Respondent : Mr.K.Prabhakar

O R D E R

The Civil Revision Petition is filed against the fair and decreetal order dated 10.10.2017 passed by the learned Additional District Munsif, in I.A.No.723 of 2015 in O.S.No.1383 of 1995.

2. The revision petitioners are the defendants 1 and 2 in O.S.No.1383 of 1995 on the file of the Additional District Munsif Court, Lalgudi. The respondents are the plaintiffs and they filed the above said suit praying for permanent injunction restraining the defendants 1 and 2 and their men and agents from interfering with the peaceful possession and enjoyment of the portion marked ABCD in the plaint plan and for mandatory injunction and an ex-parte decree was passed against the petitioners. Hence, the revision petitioners/defendants 1 and 2 filed an application in I.A.No.723 of 2015 in O.S.No.1383 of 1995 before the Additional District Munsif Court, Lalgudi for condoning the delay of 1580 days in filing the petition to set aside the ex-parte decree passed against the petitioners/defendants 1 and 2, on 06.01.2011, and permit them to prosecute the case on merits. But the trial Court has dismissed the petition. Against which, the present Civil Revision Petition has been filed by the defendants 1 and 2.



3. Heard the learned counsel for the petitioners as well as the learned counsel for the respondent and also perused the materials placed before this Court.

4. Considering the prayer sought for by the petitioners in the revision petition, this Court is inclined to allow the Civil Revision Petition. Accordingly, the Civil Revision Petition is allowed on condition that the petitioners shall pay a sum of Rs.1,00,000/- (Rupees one lakh only) to the respondent within a period of four weeks from the date of receipt of a copy of this order and on such payment being made, the learned Additional District Munsif, Lalgudi is directed to number the set aside application and pass orders within a period of one month, after giving notice to both the parties. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To  
The Additional District Munsif,  
Lalgudi.

+1CC to Mr.M.Karthikeya Venkitachalapathy, Advocate, SR.No. 61819

C.R.P. (NPD) (MD) No.2257 of 2017  
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