



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (NPD) (MD) No.1189 of 2018

and

C.M.P. (MD) No.5021 of 2018

Karuppiah ... Revision Petitioner/Petitioner/Appellant
Defendant

-Vs-

Jebamalai ... Respondent/Respondent/Respondent/Plaintiff

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, praying to set aside the order dated 13.02.2018 passed in I.A.No.43 of 2016 in unnumbered A.S.No. Of 2016 on the file of the Principal District Judge, Madurai.

For Petitioner : Mr.K.Sudalai Andi
For Respondent : Ms.P.Jessi Jeeva Priya

ORDER

The revision Petitioner was the defendant in O.S.No.236 of 2006 on the file of the 2nd Additional Sub-Court, Madurai. The suit was decreed on 03.11.2015. Questioning the same, the petitioner herein filed an appeal. But there was a delay of 48 days. Therefore, to condone the same, I.A.No.43 of 2016 was filed. The Court below dismissed the same by order dated 13.02.2018. Challenging the same, this Civil Revision Petition has been filed.

2.Heard the learned counsel on either side.

3.This Court is of the view that the petitioner deserves to be given an opportunity to contest the validity of judgment and decree made in O.S.No.236 of 2006. Therefore, the order impugned in this Civil Revision Petition is set aside. Accordingly, this Civil Revision Petition is allowed. The learned Principal District Judge, Madurai, is directed to number the appeal and dispose of the same on merits and in accordance with law, after hearing both parties, within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)



To

The Principal District Judge,
Madurai.

+1cc to Mr.N.Vallinayagam, Advocate Sr.No.82769

+1cc to Ms.P.Jessi Jeeva Priya, Advocate Sr.No.82854

MYR

VB/PM/SAR1/04.10.2018/2P/4C

C.R.P. (NPD) (MD) No.1189 of 2018
06.09.2018