



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) .No. 540 of 2017
and C.M.P. (MD) No. 2486 of 2017

L.Murugesan .. Petitioner/Respondent/Plaintiff

Vs.

M.Vimala .. Respondent/Petitioner/Defendant

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the Fair and Decreetal Order dated 09.09.2016 in I.A.No.444 of 2016 in O.S.No.52 of 2015 on the file of the learned District Munsif, Madurai Taluk at Madurai.

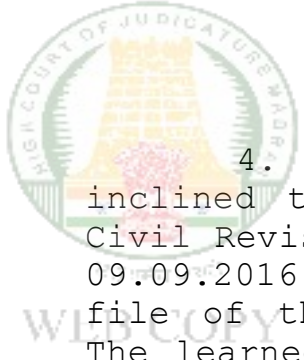
For Petitioner : Mr. Jeyaprakasam for
Mr.C.Nithysh Sekhar

O R D E R

The petitioner has come forward with this Civil Revision Petition to set aside the Fair and Decreetal Order dated 09.09.2016 in I.A.No.444 of 2016 in O.S.No.52 of 2015 on the file of the learned District Munsif, Madurai Taluk at Madurai.

2. The petitioner is the plaintiff and the respondent is the defendant in O.S.No. 52 of 2015. The plaintiff has filed a suit in O.S. No.52 of 2015 before the learned District Munsif, Madurai Taluk at Madurai, seeking direction to the defendant to deliver the possession of the suit property to the plaintiff and for other reliefs. On 18.07.2016, the learned District Munsif, Madurai Taluk at Madurai has passed an exparte order, for non-filing of written statement by the defendant. Hence, the defendant has filed an I.A.No.444 of 2016 in O.S.No.52 of 2015 to set aside the exparte order, under Order 8, Rule 7 and Section 151 of Civil Procedure of Code and the trial Court has allowed the interlocutory application with costs. Aggrieved over the same, the revision petitioner has come forward with this Civil Revision Petition.

<https://hcservices.ecourts.gov.in/hcservices/> the learned counsel for the revision petitioner and perused the documents available on record.



4. Considering the nature of the case, this Court is not inclined to allow the Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed by confirming the Order dated 09.09.2016 in I.A.No.444 of 2016 in O.S.No. 52 of 2015 on the file of the learned District Munsif, Madurai Taluk at Madurai. The learned District Munsif, Madurai Taluk at Madurai is directed to dispose the suit in O.S.No. 52 of 2015 within the period of three months from the date of receipt of copy of this order, by conducting the trial on day-to-day basis without giving any adjournments to either parties and the parties are also directed to give their fullest cooperation for early disposal. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

The District Munsif,
Madurai Taluk at Madurai.

+2CC TO Mr.C.Nithyash Sekhar, Advocate, Sr No.63662

C.R.P. (PD) (MD) .No. 540 of 2017
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