



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.584 of 2017 and

C.M.P.(MD)No.2606 of 2017

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Soosai Anthony ... Petitioner/Petitioner-1/ Defendant-1

Vs.

1. The State of Tamil Nadu,  
Rep. by District Collector,  
Kanyakumari District at  
Nagercoil

... Respondent/Respondent/Plaintiff

2. Abiraham @ Joseph

3. Mariadoss

4. Varghese

... Respondents 2 to 4/Petitioners 2 to 4/  
Defendants 2 to 4

PRAYER : Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order of the learned I Additional District Munsif, Kuzhithurai, made in I.A.No.612 of 2006 in O.S.No.134 of 1996 on the file of the learned I Additional District Munsif, Kuzhithurai, dated 14.06.2010.

|                |                                             |
|----------------|---------------------------------------------|
| For Petitioner | : Mr.R.Vijayakumar                          |
| For R-1        | : Mr.M.Karuppasamy,<br>Government Advocate. |
| For R-2 to R-4 | : No appearance                             |

### ORDER

The Revision petitioner was shown as the first defendant in O.S.No.134 of 1996 on the file of the I Additional District Munsif Court, Kuzhithurai. It is a suit for recovery of short fall that arose on account of default in payment of licence fee by the Revision petitioner herein. The second defendant is the guarantor. The suit was decreed ex-parte. To set aside the same, the Revision petitioner herein filed an Interlocutory application under Order 9 Rule 1 of C.P.C. But then, there was a delay of 301 days. To condone the same, I.A.No.612 of 2006 was filed. The Court below dismissed the said application by order dated 14.06.2010. The said order is under challenge in this Civil Revision petition.

2. Heard the learned counsel appearing for the Revision petitioner and Mr.M.Karuppasamy, learned Government Advocate appearing for the first respondent.

3. This Court is of the view that the delay is not very inordinate and the same deserves to be condoned. Therefore, the order impugned in this Civil Revision petition is set aside. The Civil Revision petition stands allowed, accordingly.



4. The Court below shall number the set aside application and dispose of the same on merits and in accordance with law. No costs. Consequently, connected Miscellaneous petition is closed.

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/True Copy/

Sd/-

Joint Registrar(Judicial)

Sub Assistant Registrar(CS-I)

To

1. The I Additional District Munsif,  
Kuzhithurai.
2. The Record Keeper, V.R.Section,  
Madurai Bench of Madras High Court,  
Madurai. **(2 Copies)**

+1CC to Mr.R.Vijayakumar, Advocate, SR.No.84524

+1CC to the Special Government Pleader SR.No.84443

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