



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD).No.1238 to 1240 of 2018 and
C.M.P. (MD)No.5361 of 2018

Ganeshan ... Petitioner/Petitioner/Plaintiff
in all petitions

Vs.

1. Panchavarnam
(represented by guardian and her son, R-2)

2. Rajendran
3. Ilangovan
4. Manoharan
5. Kumaresan

... Respondents/Respondents/Defendants
in all petitions

COMMON PRAYER : Civil Revision Petitions are filed under Article 227 of the Constitution of India, to call for the records and set aside the fair and decreetal order 15.02.2018 in I.A.Nos.94 to 96 of 2017 in O.S.No.355 of 2012 on the file of the Principal Sub Court, Dindigul and allow this Civil Revision petition with costs through out.

(in all petitions)

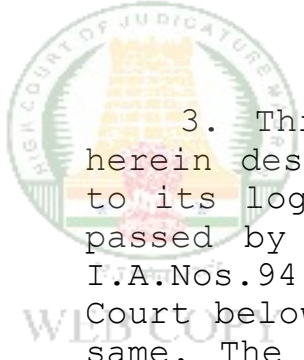
For Petitioner : Mr.H.Lakshmi Shankar

For R-2 & R-3 : Mr.B.Jameel Arasu

For R-1,R-4 & R-5 : No appearance.

C O M M O N O R D E R

The plaintiff in O.S.No.355 of 2012 on the file of the Principal Subordinate Court, Dindigul, is the Revision petitioner herein. The said suit was dismissed for default. To restore the same, an application was filed. There was a delay of 460 days in filing the same. To condone the same, I.A.No.94 of 2017 was filed. The Court below dismissed the same by order dated 15.02.2018. The correctness of the said order is questioned in C.R.P. (MD)No.1238 of 2018.



3. This Court is of the view that the Revision petitioner herein deserves to be given an opportunity to prosecute the suit to its logical conclusion. In this view of the matter, the order passed by the learned Principal Subordinate Judge, Dindigul, in I.A.Nos.94 and 95 of 2017, dated 15.02.2018, is set aside. The Court below shall number the restoration application and allow the same. The orders impugned in C.R.P.(MD)Nos.1238 and 1239 of 2018 stand set aside.

4. C.R.P.(MD)No.1238 of 2018 and C.R.P.(MD)No.1239 of 2018 stand allowed, accordingly. No costs. Consequently, connected C.M.P.(MD)No.5361 of 2018 is closed.

5. In the said suit, the Revision petitioner had taken out I.A.No.96 of 2017 for appointing the second respondent Rajendran as a guardian for the first respondent Panchavarnam. The said Panchavarnam is the mother of respondents 2 to 5.

6. It is now submitted that the said Panchavarnam is mentally fit and alright. This submission made by the learned counsel on record for respondents 2 and 3 is noted and taken on record. Therefore, there is no need to interfere with the order impugned in C.R.P.(MD)No.1240 of 2018. Therefore, C.R.P.(MD)No.1240 of 2018 stands dismissed. No costs.

Sd/-

Assistant Registrar(AD-II)

/TRUE COPY/

Sub Assistant Registrar(CS-I)

To

1. The Principal Sub Judge,
Dindigul.

2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+3. C.C. to M/S.H.Lakshmi Shankar, Advocate SR.No. 84121 to 84123
+1. C.C. to M/S.B.Jameel Arasu, Advocate SR.No. 84144

C.R.P.(MD).No.1238 to 1240 of 2018 and
C.M.P.(MD)No.5361 of 2018
12.09.2018

PMU

<https://hcservices.ecourt.gov.in/hcservices/>

29 10 2018

2P 8C