



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(NPD) (MD) No.2381 of 2018

K.Thanumalayan

... Revision Petitioner/Petitioner/
Plaintiff

-Vs-

1.Jegan

2.Kumar

3.Nallaperumal

4.Thiruvambalam Pillay @ A.T.Pillay

5.The State of Tamil Nadu,

Represented by

District Collector of Kanyakumari at Nagercoil,

Agasteeswaram Taluk,

Kanyakumari District.

6.Manikandan

..Respondents/Respondents/Defendants

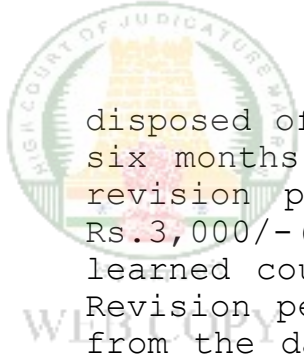
Prayer: Civil Revision Petition is filed under Section 115 of C.P.C to set aside the fair and decretal order dated 08.11.2017 passed in I.A.No.71 of 2017 in O.S.No.159 of 2012 on the file of the District Munsif cum Judicial Magistrate, Bhoothapandy.

For Petitioner	:	Mr.RM.Sivakumar
For R5	:	Mr.M.Karuppasamy
For R1 to R3	:	Mr.V.George Raja

O R D E R

The plaintiff in O.S. No. 159 of 2012 on the file of the District Munsif Court, Bhoothapandy is the revision petitioner herein. The suit was dismissed for default. He has filed an application for restoration. There was a delay in filing the restoration application. The court below condoned the delay of payment of costs. Since the cost was not paid, the impugned order came to be dismissed. The same is questioned in this Civil Revision Petition.

2. This Court is of the view that substantial justice will have to be rendered. Hence, the order impugned in this Civil Revision Petition is set aside. The court below shall number the restoration application and allow the same also. The suit itself shall be



disposed of on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. The revision petitioner shall take out a Demand Draft for a sum of Rs.3,000/- (Rupees three thousand only) and hand over the same to the learned counsel appearing for the respondents 1 to 3 in this Civil Revision petition. This shall be done within a period of two weeks from the date of receipt of order copy. If the petitioner does not do so, the order passed in this Civil Revision Petition would be recalled and the Civil Revision Petition would be dismissed. It is seen that even before the court below only the respondents 1 to 3 contested the Interlocutory Application filed by the revision petitioner.

3. In the result, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The District Munsif cum Judicial Magistrate,
Bhoothapandy.

+ 1 CC TO Mr.V.GEORGE RAJA, ADVOCATE IN SR No. 92832
+ 1 CC TO Mr.R.M.SIVAKUMAR, ADVOCATE IN SR No. 92833
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 93365

CM

TE/SV/SAR-4 : 30/11/2018 : 2P/5C

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