



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD) (PD)No.1386 of 2018

WEB COPY

Kasi @ Kasi Muthu ...Petitioner / 2nd Petitioner / 2nd Plaintiff

/Vs./

1.Sobana Sundaravalli

2.Siva Kishor (minor)

(minor rep.by his natural guardian
and mother the 1st Respondent)

3.Kasimuthu

4.Janaki ...Respondents /Respondents / Defendants

Prayer: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to call for the records relating to the fair order and decretal order in I.A.No.1250 of 2016 in O.S.No.309 of 2010 dated 16.03.2018 on the file of the learned Principal District Munsif Court, Valliyoor, Tirunelveli District and set aside the same.

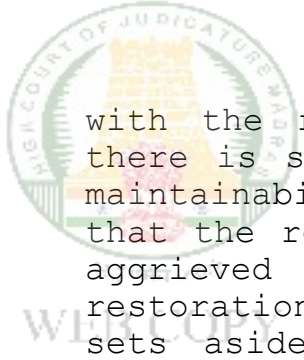
For Petitioner	: Mr.S.R.Anbarasu
For R-1	: Mr.S.Muthumalai Raja
For R-2	: Minor
For R-3 & R-5	: No appearance
For R-4	: Mr.AN.Ramanathan

ORDER

O.S.No.309 of 2010 was filed by one Joseph seeking certain reliefs. In the said suit, the revision petitioner herein wanted to get impleaded himself as the second defendant. The said application was allowed. But, then original plaintiff was obliged to carry out the amendments. He failed to do so. Therefore, the suit was dismissed for default on 23.06.2016. Seeking its restoration, Joseph and the revision petitioner herein jointly filed an application. But, then, there was a delay of 67 days in taking out the said application. To condone the said delay, I.A.No.1250 of 2016 filed. The Court below by order dated 16.03.2018 dismissed I.A.Non.1250 of 2016. Questioning the same, the civil revision petition has been filed.

2. Heard the learned counsel on either side.

3. It is true that even though original plaintiff Joseph and the revision petitioner had jointly applied for restoration, the present civil revision petition has been filed only by the revision petitioner alone. The original plaintiff, Joseph has not joined



with the revision petitioner, namely, Kasi @ Kasimuthu. Though there is some force in the technical objection with regard to the maintainability of the civil revision petition, I am of the view that the revision petitioner herein is also to be considered as an aggrieved person. The delay occasioned in the application for restoration cannot be said to be inordinate. Therefore, this Court sets aside the order impugned in this civil revision petition. Accordingly, this civil revision petition is allowed.

4. The Court below shall number the restoration application and allow the same. The revision petitioner's amendment as originally directed by the trial Court shall be carried out within a period of four weeks from the date of receipt of a copy of this order. Since the suit is of the year 2010, the Court below shall dispose of the suit within a period of six months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To
The Principal District Munsif,
Valliyoor, Tirunelveli District.

+1CC to Mr.S.Muthumalai Raja, Advocate, SR.No.87610

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SM
ES/SKN/RSK/SAR 3/15.11.2018/2P/3C