



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (NPD) (MD) .No.1093 of 2016

- 1.Chinnathai
- 2.Samikannu
- 3.Ammakannu
- 4.Umaidurai
- 5.Chinnaponnu
- 6.Poun
- 7.Bothuraja

... Petitioners

Vs.

1. State of Tamilnadu represented
through its District Collector,
Madurai.
2. Tahsildar,
Vadipatti.

... Respondents

PRAYER: Petition filed under Section 115 of Civil Procedure Code, to call for the entire records of the suit in I.A.No.146 of 2014 in O.S.No.317 of 2008 on the file of the District Munsif, Vadipatti and set aside the order passed in I.A.No.146 of 2014 in O.S.No.317 of 2008 dated 21.01.2015 and allow this revision petition by condoning the delay of 532 days in filing the application to restore the suit.

For petitioners	: Mr.K.Muraleedharan
For respondents	: Mr.M.Karuppasamy Government Advocate

ORDER

The revision petitioners are the plaintiffs in O.S.No.317 of 2008 on the file of the District Munsif Court, Vadipatti. The said suit was dismissed for default. To restore the same, they filed applications under Order 9 Rule 9 of CPC. There was a delay of 532 days in filing the application. To condone the same, I.A.No.146 of 2014. The Court below by order dated 21.01.2015 dismissed the said I.A. Questioning the same, this Civil Revision Petition has been filed.



2. Heard learned counsel on either side.

3. This Court is of the view that since valuable property rights are involved, the revision petitioners deserve to be given one more opportunity. In any event, reasons set out in the affidavit filed in support of the I.A.No.146 of 2014 make out sufficient cause for setting aside the order of the Court below. Accordingly, the order impugned in this Civil Revision Petition is set aside and this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To:

1. The District Munsif cum Judicial Magistrate,
Vadipatti.

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

+ 1 CC TO Mr.K.MURALEEDHARAN, ADVOCATE IN SR No. 87000

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 87148

PNN

TE/PM/SAR-3 : 25/10/2018 : 2P/6C

ORDER MADE IN
C.R.P. (NPD) (MD) .No.1093 of 2016
26.09.2018