



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.1112 of 2016

and

C.M.P. (MD) No.5593 of 2016

S.Seerangarajan

.. Revision Petitioner/Petitioner

vs.

Idol Sri Meiporulnathaswamy,
Modakkur,
Represented by its Executive Officer,
Sri Kalyana Pasupatheeswaraswamy Devasthanam
Aravakurichi Taluk,
Karur District.

.. Respondent / Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 24.03.2016 in I.A.No.109 of 2013 in O.S.No.145 of 2002 on the file of the Principal District Munsif, Karur.

For Petitioner : Mr.E.K.Kumaresan
For Respondent : Mr.K.Guhan

ORDER

The respondent temple filed O.S.No.145 of 2002 seeking the relief of declaration and recovery of possession for payment of mesne profits. The suit was decreed exparte on 11.06.2008. To set aside the same, the revision petitioner, who is the defendant in the suit filed an application under Order 9 Rule 13 CPC. There was a delay in filing the said application. To condone the same, I.A.No.109 of 2013 was filed. The Court below, by order, dated 24.03.2016 dismissed the said IA. Assailing the same, this Civil Revision Petition has been filed.

2. Heard the learned counsel on either side.

3. The learned counsel for the plaintiff/respondent herein submitted that the reasons set out in the affidavit filed in support of the condone delay petition are not true. He placed reliance on the decision reported in 2009 (1) CTC 319.

4. The submission made by the learned counsel for the respondent is definitely sound and attractive. But then, this Court will have to render substantial justice. To satisfy the moral



conscience of this Court, this Court wanted the learned counsel to produce a copy of the judgment made in the main suit. It was produced today.

5. It is seen that the judgment decreeing the suit is virtually non-speaking. The suit had been decreed by citing the absence of the defendant, when he was called. There is no discussion of the respective contentions. It is pertinent to note that the revision petitioner had filed his written statement. Therefore, the learned trial Munsif was obliged to consider the respective contentions. This impels this Court to take an indulgent view in this matter. But then, the revision petitioner must be put on terms. The learned counsel for the petitioner submitted that the revision petitioner would pay a sum of Rs.50,000/- as cost directly to the plaintiff/temple.

6. In view of the above submission, the petitioner is directed to pay a sum of Rs.50,000/- as cost directly to the plaintiff/temple within a period of four weeks from the date of receipt of a copy of this order. Upon such payment, the Court below shall immediately number the set aside application and also allow the same. The suit shall be restored to file. Considering the fact that the suit is of the year 2002, the trial Court is directed to conclude the entire proceedings within a period of three months thereafter.

7. The revision petitioner gives an undertaking that he extend his fullest co-operation to conclude the entire proceedings within the stipulated time. If the cost amount is not paid within a period of four weeks, the order made in this Civil Revision Petition would stand recalled and the Civil Revision Petition would stand automatically dismissed. It is made clear that no application for extension of time would be entertained.

8. The learned counsel for the revision petitioner undertakes to pay a sum of Rs.3000/- in favour of the Siddha Dispensary attached to this Bench.

9. With the above terms, the Civil Revision Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS-II)



1. The Principal District Munsif,
Karur.

2. The Section Officer, (2 COPIES)
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Officer Incharge,
Siddha Dispensary,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Suresh, Advocate in SR No.83276

+1cc to Mr.K.Guhan, Advocate in SR No.82746

C.R.P. (MD) No.1112 of 2016

NM/SKN/SAR II/17.10.18/3P/7C