



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (NPD) No.1284 of 2016

and

C.M.P. (MD) .No.6135 of 2016

Shanmugam

... Petitioner

Vs.

1. Natarajan

2. Kathiresan

3. Murugesan

4. Krishnan

5. Latha

6. Priya

7. Divya

... Respondents

Prayer: The Civil Revision Petition is filed under Section 115 of C.P.C., against the fair and decreetal order dated 14.09.2015 passed in I.A.No.1245 of 2014 in O.S.No.96 of 2013 on the file of the District Munsif Court, Devakottai.

For Petitioner : Mrs.M.Parameswari for

Mr.D.Paneerselvam

For Respondents

: Mr.R.Sundar Srinivasan

ORDER

The 8th defendant in O.S.No.96 of 2013 on the file of the District Munsif Court, Devakottai is the revision petitioner. It is a suit for partition. The suit was decreed ex-parte. To set aside the same, the petitioner herein filed an application under Order 9 Rule 13 of C.P.C. But there was a delay of 34 days. To condone the same, I.A.No.1245 of 2014 was filed. The said I.A.No.1245 of 2014 was dismissed on 14.09.2015. Questioning the same, the Civil Revision Petition has been filed.

2. I am of the view that the delay cannot said to be long or enormous. Therefore, for giving one more opportunity to the revision petitioner, the order impugned in the revision petition is set aside. The Court below shall number the set aside application and allow the same to enable the petitioner to contest the proceedings on merits. It is seen that the other defendants have remained ex-parte. That position shall continue. The revision petitioner alone



is given an opportunity to contest the proceedings. The suit is of the year 2013. Therefore, the Court below shall conclude the entire suit proceedings within a period of four months from the date of receipt of a copy of this order. The Civil Revision Petition is allowed accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The District Munsif,
Devakottai.

+1CC to Mr.R.Sundar Srinivasan, Advocate, SR.No.85353

C.R.P. (MD) (NPD) No.1284 of 2016
19.09.2018

AKV
ES/SKN/RSK/SAR 4/25.10.2018/2P/3C