



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) .No.2051 of 2016

and

C.M.P. (MD) No.9642 of 2016

Satyam Education Trust,
Represented by A.Thinakar ... Petitioner/ Petitioner/1st Defendant
Vs.
Sree Kumar ... Respondent/Respondent/Plaintiff

PRAYER : Petition filed under Section 115 of Civil Procedure Code, to allow the Civil Revision Petition and set aside the order passed in I.A.No.503 of 2015 in O.S.No.65 of 2014 on the file of the District Judge, Kanyakumari District at Nagercoil dated 19.07.2016.

For petitioner : Mr.C.K.M.Appaji
For respondent : Mr.N.S.Ramakrishna dass

ORDER

The revision petitioner herein is the first defendant in O.S.No.65 of 2014 on the file of the District Judge, Kanyakumari District at Nagercoil. It is a suit for recovery of a sum of Rs.24,00,000/- with interest. There are totally four defendants in the suit. The first defendant was set ex parte. To set aside the same, he filed I.A.No.503 of 2015. The Court below by order dated 19.07.2016, dismissed the said I.A. Questioning the same this Civil Revision Petition has been filed.

2.Heard learned counsel on either side.

3.The suit is one for recovery of money. The suit is still alive. The defendants 2 to 4 entered appearance and are contesting it. Therefore, the first defendant who is the principal borrower should also be given an opportunity to contest the suit proceedings.

4.In this view of the matter the order impugned in this petition is set aside and this Civil Revision Petition is allowed. Consequently, connected miscellaneous petition is also closed.



5. The suit is of the year 2014 and therefore, the Court below is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

To:

The District Judge,
Kanyakumari District at Nagercoil.

+1cc to Mr. N. S. Ramakrishna Dass, Advocate Sr. No. 82841
+1cc to Mr. C. K. M. Appaji, Advocate Sr. No. 82967

PNN

VB/SKN/SAR4/01.11.2018/2P/4C

**ORDER MADE IN
C.R.P. (PD) (MD) .No.2051 of 2016
and
C.M.P. (MD) No.9642 of 2016
06.09.2018**