



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (NPD) (MD) No.2102 of 2016

1.V.Ramakrishnan

2.V.Murugan

... Revision Petitioner/Petitioner/
Plaintiff

vs

1.The District Collector,
Ramanathapuram.

2.The Tahsildar,
Kamudu Taluk.

... Respondents/Respondents/ Defendants

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, praying to call for the records relating to the order and decreetal order dated 21.07.2016 in I.A.No.7 of 2016 in O.S.No.68 of 2011 on the file of the District Munsif Cum Judicial Magistrate, Kamuthi and set aside the same and allow this Civil Revision Petition.

For Petitioner : Mr.A.Sivasubramanian

For Respondents : Mr.M.Karuppasamy,
Government Advocate.

ORDER

The revision petitioners are the plaintiffs in O.S.NO.68 of 2011. The suit was dismissed for default on 17.12.2012. To restore the same, an application was filed under Order 9 Rule 9 C.P.C. But there was a huge delay in filing the said application. Therefore, to condone the delay I.A.No.7 of 2016 was filed. The said Interlocutory Application was dismissed by an order dated 21.07.2016. Questioning the same, this Civil Revision Petition has been filed.

2. The suit is one for declaration and for permanent injunction. The petitioner's title over immovable property is at stake. Therefore, the petitioner deserves to be given one more opportunity to prosecute the case. But then, the petitioner will



have to be put on terms. The learned counsel for the revision petitioner undertakes that the revision petitioner would remit a sum of Rs.5,000/- (Rupees five thousand only) towards costs payable to the Legal Services Authority, Ramanad District. This amount shall be paid within a period of four weeks from the date of receipt of a copy of this order. Subject to this condition, the order impugned in this Civil Revision Petition is set aside. Accordingly, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Munsif Cum Judicial Magistrate,
Kamuthi.
2. The District Collector,
Ramanathapuram.
3. The Tahsildar,
Kamudu Taluk.
4. The Officer -in-charge District Legal Services
Authority, District Court,
Ramanathapuram.
5. The Record Keeper,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO MR.A.SIVA SUBRAMANIAN, ADVOCATE IN SR NO. 80238
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 80249

CM

BU/MK/RSK/SAR-2 : 18.09.2018 : 2P/9C

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