



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.09.2018
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

C.R.P. (MD) No.2223 of 2016
and
C.M.P. (MD) .No.10305 of 2016

Abilash N.Kumar

..... Petitioner/Petitioner/
Plaintiff

vs.

1.Suresh Kumar

2.The Village Administrative Officer,
Ezhudesom Village,
Vilavancode Taluk,
Kanyakumari District.

3.The Tasildhar,
Vilavancode Taluk,
Kanyakumari District.

4.The District Collector,
Kanyakumari District.

.... Respondents / Respondents
Defendants

PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the fair and decreetal order dated 12.09.2016 made in I.A.No.313 of 2016 in O.S.No.103 of 2010 on the file of the Principal District Munsif, Kuzhithurai.

For Petitioner : Ms.J.Anandhavalli
For Respondent No.1 : No appearance
For Respondents 2 to 4 : Mr. M.Karuppasamy
Government Advocate

ORDER

The plaintiff in O.S.No.103 of 2010 on the file of the Principal District Munsif Court, Kuzithurai is the revision petitioner herein. It is a suit for permanent injunction. The suit was dismissed for default. An application for restoration was filed. But there was a delay of 168 days. To condone the same, I.A.No.231 of 2014 was filed. It was allowed on condition. The condition was not complied with. Therefore, seeking restoration of the said IA, I.A.No.313 of 2016 was filed. Fortunately, there is no delay in filing I.A.No.313 of 2016. The Court below dismissed the same by order dated 12.09.2016. Questioning the same, this Civil Revision Petition has been filed.



2. This Court is of the view that since it is only the plaintiff, who is seeking restoration of his own suit. Hence, a liberal approach can be adopted but then the plaintiff will have to be put on terms. Hence, the order impugned in the Civil Revision Petition is set aside. The learned counsel for the petitioner undertakes to remit a sum of Rs.1000/- to the Siddha Dispensary attached to this Bench.

3. The Civil Revision Petition is allowed accordingly. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Joint Registrar(Judicial)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The Principal District Munsif,
Kuzhithurai.

Copy To:

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

+1CC to Ms.J.Anandhavalli, Advocate, SR.No.86096
+1CC to the Special Government Pleader SR.No.86382

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PJL
ES/SKN/RSK/SAR 2/17.10.2018/2P/5C