



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) No. 2472 of 2016 (NPD)

1. Kuriammal
2. Sathaiya
3. Raja
4. Sagunthala
5. Vimala
6. Vasu

.. Petitioners/ Petitioners 2 to 7/
Defendants 2 to 7

vs.

1. Shesumary Alias Chinnakutti
2. Mary
3. Lurthumary
4. Velakkanni

.. Respondents/ Respondents/
Plaintiffs

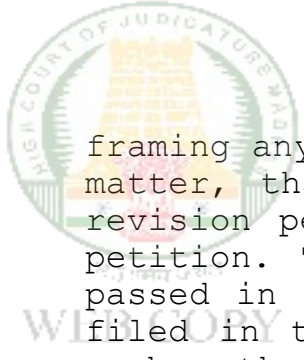
PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the fair and ex-order dated 14.06.2010 in I.A.No.537 of 2008 in O.S.No.207 of 1995 on the file of the learned District Munsif, Ramanathapuram.

For Petitioner	: Mr.V.Murugan
For Respondent No.4	: Mr.J.Anandkumar
For Respondent No.1 TO 3	: Dismissed vide Court Order dated 09.08.2016

ORDER

The defendants in O.S.No.207 of 1995 on the file of the District Munsif Court, Ramanathapuram are the revision petitioners herein. The said suit was filed seeking the relief of declaration and permanent injunction. An exparte judgment and decree came to be passed on 12.08.2005. To set aside the same, the revision petitioners filed an application under Order 9 Rule 13 CPC. There was a delay of 822 days in filing the same. To condone the said delay I.A.No.537 of 2008 was filed. The Court below dismissed the said IA by order dated 14.06.2010. The same is questioned in this Civil Revision Petition.

2. This Court had a look at the exparte judgment made in O.S.No.207 of 1995. It is too cryptic. In fact written statement was already available before the Court below. But even without



framing any issue, judgement was passed. It is, this aspect of the matter, that impelse this Court to take an indulgent view. The revision petitioners had taken 822 days in filing the set aside petition. The order impugned in the Civil Revision Petition was passed in June, 2010. Eventhough the Civil Revision Petition was filed in the year 2011, they had taken more than six years to number the Civil Revision Petition itself. However, in order to give one more opportunity to the revision petitioners herein, the order impugned in the Civil Revision Petition is set aside. The Court below shall number the set aside petition and allow the same. The revision petitioners shall pay a cost of Rs.3,000/- to the plaintiffs directly, within a period of four weeks from the date of receipt of a copy of this order. They also undertake to co-operate speedy disposal of the suit itself. The Court below is directed to conclude the entire suit proceedings within a period of four months thereafter.

3. This Civil Revision Petition is allowed accordingly.
No costs.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

Sub Assistant Registrar (CS-III)

To

1.The District Munsif,
Ramanathapuram.

+1 CC To MR.J.ANAND KUMAR, Advocate SR. NO. 83996

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PJL

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