



4. The learned counsel for the Revision petitioner submits that the Revision petitioner had borrowed a sum of Rs.25,000/- from the plaintiff and that at the time of availing the financial assistance, the property documents including Patta Pass book were handed over to the plaintiff. Thereafter, the Revision petitioner had moved to Kanchipuram and he is working as a Labour in a Grocery shop, because of financial difficulties and domestic circumstances. Even though he filed a written statement, he could not contest the suit proceedings. It is this, that has been the cause for not filing the setaside application within time.

5. This Court is of the view that the case projected by the Revision petitioner explaining the delay in filing the setaside petition is acceptable. But then, since even according to the Revision petitioner, he had borrowed a sum of Rs.25,000/- from the plaintiff in the year 2005, he will have to be necessarily put on terms.

6. It appears that the plaintiff filed an execution petition and that the case is presently pending at the stage of delivery. The plaintiff had obviously incurred substantial sum towards litigation expenses. The learned counsel for the Revision petitioner therefore undertakes on instructions from the Revision petitioner that he would deposit a sum of Rs.30,000/- towards cost and that a further sum of Rs.70,000/- would be deposited towards partial liquidation of his loan liability. It is open to the plaintiff to withdraw the said amount of Rs.1,00,000/-. This amount shall be deposited within a period of eight weeks from the date of receipt of a copy of this order.

7. It is made clear that no application for extension of time will be entertained. The learned counsel for the Revision petitioner on instructions agreed to this stipulation also. Subject to this condition, the order passed by the learned District Munsif, Tiruchendur, in I.A.No.90 of 2013 in O.S.No.110 of 2008, dated 16.07.2014, is set aside and this Civil Revision petition stands allowed. If this condition as to deposit is not complied with, within the aforesaid period, the order passed in the Civil Revision petition would stand automatically recalled and the Civil Revision petition would stand automatically dismissed. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-II)



To

1. The District Munsif,
Tiruchendur.

2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2copies)

+1CC TO MR.C.K.M.APPAJI, ADVOCATE IN SR.NO.79166.

PMU

DS RSK SAR-2:01.10.2018: 3P/5C

C.R.P. (MD) (NPD) .No.266 of 2016

16.08.2018