



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **26.09.2018**

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (NPD) (MD) .No.475 of 2016

and

C.M.P. (MD) No.2062 of 2016

Valliyammai

...Petitioner/Petitioner/
Defendant

Vs.

Muthu Chettiyar

...Respondent/Respondent/
Plaintiff

PRAYER: Petition filed under Section 115 of Civil Procedure Code to set aside the fair and decreetal order in I.A.No.4 of 2013 in O.S.No.10 of 2011 on the file of the learned Principal District Judge, Pudukkottai, Pudukkottai District, dated 09.09.2015 and allow the Civil Revision Petition.

For petitioners: Mr.Prasanna Rajadurai
For respondents: No appearance

ORDER

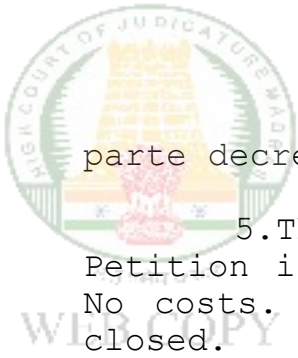
The defendant in O.S.No.10 of 2011 on the file of the Principal District Judge, Pudukkottai, is the revision petitioner herein. It is a suit for specific performance. The revision petitioner suffered an ex parte decree. To set aside the same, she filed an application under Order 9 Rule 13 of CPC. But there was a delay of 428 days in filing the same. To condone the delay, I.A.No.4 of 2013 was filed. The Court below by order dated 09.09.2015 dismissed the said I.A. Challenging the same, this Civil Revision Petition has been filed.

2.Heard the learned counsel for the revision petitioner. The respondent, though served notice, has not chosen to enter appearance either in person or through counsel.

3.This Court went through the affidavit filed in support of I.A.No.4 of 2013. It is seen that sufficient cause has been shown. Since, valuable property rights are involved, the revision petitioner deserves to be given one more opportunity to contest the suit on merits.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned counsel for the revision petitioner affirms that no subsequent developments have been taken place after the ex



parte decree was passed.

5. Therefore, the order impugned in this Civil Revision Petition is set aside and this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

6. The Court below shall number the set aside application and allow the same. The suit shall be restored to file.

Sd/-

Assistant Registrar (CrI-Side)

// True Copy //

Sub Assistant Registrar (CS-III)

To

1. Principal District Judge,
Pudukkottai,
Pudukkottai District

2. The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO MR. NA. PALANIYANDI, ADVOCATE IN SR NO. 86887

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BU/PM/SAR-III:02.11.2018 : 2P/5C

ORDER MADE IN
C.R.P. (NPD) (MD) No. 475 of 2016
and
C.M.P. (MD) No. 2062 of 2016
26.09.2018