



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P.(PD) (MD)No.7 of 2016(NPD)

and

C.M.P.(MD) .Nos.55 and 6479 of 2016

M.Dhuraipandian

... Revision Petitioner/Petitioner/
Defendant

Vs.

B.Palanivel

...Respondent/Respondent/Plaintiff

Prayer: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to call for the records pertaining to the impugned fair and decreetal order made in I.A.No.121 of 2015 in O.S.No.249 of 2012 on the file of the learned Subordinate Judge, Theni, dated 17.11.2015 and set aside the same.

For Petitioner : Mr.R.Shankar Ganesh

For Respondent : Mr.R.Suriyanarayanan

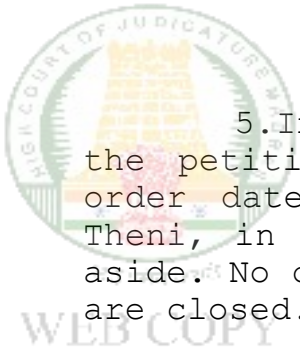
O R D E R

This Civil Revision Petition has been filed against the fair and decreetal order dated 17.11.2015 passed by the learned Subordinate Judge, Theni in I.A.No.121 of 2015 in O.S.No.249 of 2012.

2.Heard Mr.R.Shankar Ganesh, learned counsel appearing for the petitioner and Mr.R.Suriyanarayanan, learned counsel appearing for the respondent.

3.The petitioner is the defendant in the suit. The respondent/plaintiff has filed a suit in O.S.No.249 of 2012, before the Subordinate Court, Theni, for recovery of money against the petitioner. During the pendency of the suit, the petitioner herein has filed I.A.No.121 of 2015, to condone the delay of 622 days in filing the application under Order 9 Rule 13 of C.P.C., to set aside the ex-parte decree passed by the Trial Court on 14.06.2013 and the said petition was dismissed. Challenging the said order, the present civil revision petition has been filed before this Court.

4.Today, when the matter came up for hearing, the learned [counsel for the petitioner](https://hcservices.ecourts.gov.in/hcservices/) submitted that the dispute between the parties has been settled.



5. In view of the submission made by the learned counsel for the petitioner, this civil revision petition is allowed and the order dated 17.11.2015 passed by the learned Subordinate Judge, Theni, in I.A.No.121 of 2015 in O.S.No.249 of 2012, is hereby set aside. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge,
Theni.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

+1cc to M/S.R.Shankar Ganesh, Advocate SR.No. 70743

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JM/PN/SAR 4/17.07.2018/2P/5C