



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (NPD) .No.830 of 2016

and

C.M.P (MD) .No.4186 of 2016

Devaki

...Petitioner

Vs.

1.Rajambal
2.G.Sankar
3.G.Loganathan
4.Nirmala
5.Saroja
6.Sakunthala

...Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to allow the civil revision petition and set aside the fair and decreetal order made in I.A.No.329 of 2009 in O.S.No.127 of 2002 on the file of the District Munsif Court, Thuraiyur, dated 14.03.2016.

For Petitioner

:Mr.V.Singan

For Respondents

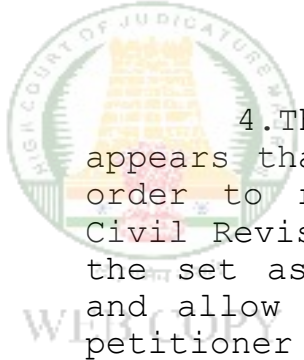
:Mr.K.Prabhakar

ORDER

The revision petitioner is the defendant in O.S.No.127 of 2002 on the file of the District Munsif Court, Thuraiyur. The respondents filed the said suit seeking the relief of declaration, recovery of possession and also mandatory injunction. The revision petitioner entered appearance through counsel. But, she did not contest the matter, thereafter. Therefore, an ex-parte decree came to be passed on 16.11.2007. Only after the plaintiffs instituted the executing proceeding, the revision petitioner woke up and filed an application to set aside the ex-parte decree. There was a delay of 545 days in filing the said application. To Condone the same, I.A.No.329 of 2009 was filed and the same was dismissed by order dated 14.03.2016. Questioning the correctness of the said order, the Civil Revision Petition is filed.

2.Heard the learned counsel on either side.

3.I fully concur with the submission of the learned counsel appearing for the respondents that the revision petitioner has been extremely slack in defending the suit proceedings. However, the learned counsel appearing for the revision petitioner would point out that the revision petitioner is only a cook and that she is not placed well in life.



4.This Court went through the contents of the plaint. It appears that the revision petitioner may have triable defence. In order to render substantial justice, the order impugned in this Civil Revision Petition is set aside. The Court below shall number the set aside application filed by the revision petitioner herein and allow the same. The suit shall be restored to file and the petitioner is given one final opportunity to contest the suit on merits. The petitioner undertakes to pay a sum of Rs.5,000/- (Rupees Five Thousand only) as cost, which shall be paid directly to the learned counsel appearing for the plaintiffs. The revision petitioner shall forthwith file a written statement and co-operate for disposal of the suit. The revision petitioner shall not drag on the proceeding by filing any interlocutory application. The entire suit proceedings shall be disposed of within a period of three months from the date of receipt of a copy of this order.

5.With this directions, the Civil Revision Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The District Munsif ,
Thuraiyur.

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

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RMK

ES/SKN/RSK/SAR 1/02.11.2018/2P/4C