



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) No.853 of 2016

and

C.M.P. (MD) No.4349 of 2016

Sivagurunathan

...Petitioner

/Vs./

- 1.Ayyoofkhan Mohammed
- 2.G.Murugan
- 3.P.Subbaiya
- 4.N.Periyapandi @ Rajapandi
- 5.Sayeedmmal
- 6.Petchiamal
- 7.Thirumalai
- 8.P.Pitchai @ Gurusamy
- 9.B.Koddumiya (Died)
- 10.Roshan
- 11.Seriana Begum
- 12.Hakkim

...Respondents

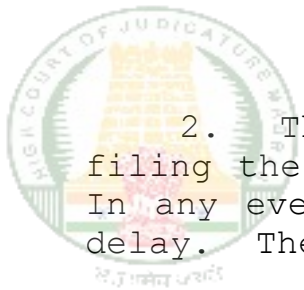
[R-10 R-12 are the legal heirs of the deceased R-9 as per Order dated 28.08.2018 in C.M.P. (MD) No.6865 of 6867 of 2018 in C.R.P. (MD) No.853 of 2016 by GRSJ]

Prayer: Petition - filed under Article 227 of the Constitution of India, to allow the civil revision petition and set aside the order passed in I.A.No.407 of 2014 in O.S.No.30 of 2011 dated 14.10.2015 on the file of the learned District Munsif cum Judicial Magistrate, Vadipatti, Madurai District and allow the above revision petition.

For Petitioner	: Mr.A.R.Kannappan
For R-1 to R-8	: Mr.M.Thirunavukarasu
For R-9	: Died
For R-10 to R-12	: No appearance

ORDER

The first defendant in O.S.No.30 of 2011 on the file of the District Munsif cum Judicial Magistrate, Vadipatti is the revision petitioner herein. It is a suit for declaration and permanent injunction. An exparte decree was passed on 24.06.2013. To set aside the same, the revision petitioner filed an application under Order 9 Rule 13 CPC. There was a delay of 189 days. To condone the same, I.A.No.407 of 2014 was filed. The Court below dismissed I.A.No.407 of 2014 by order dated 14.10.2015. Challenging the same, this civil revision petition has been filed.



2. This Court is of the view that the delay occasioned in filing the set aside application cannot be said to be inordinate. In any event, sufficient cause has been shown for condonation of delay. The order impugned in this revision is set aside.

3. In this view of the matter, the Court below shall number the set aside application and allow the same. The revision petitioner wants one more opportunity to contest the proceedings and the revision petitioner shall be put on terms. The revision petitioner shall deposit a sum of Rs.2,000/- as cost to the credit of O.S.No.30 of 2011 on the file of the District Munsif cum Judicial Magistrate, Vadipatti, and the same can be withdrawn by plaintiffs.

4. The learned counsel appearing for the revision petitioner undertakes that the revision petitioner shall extend his fullest co-operation for speedy disposal of the suit.

5. Recording the undertaking given by the revision petitioner, this civil revision petition is allowed. The Court below shall dispose of the suit in O.S.No.30 of 2011 within a period of six months from the date of receipt of a copy of this order.

6. With these directions and recording the undertaking given by the revision petitioner, this civil revision petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(w)

/True Copy/

Sub Assistant Registrar(CS-III)

To
The District Munsif cum Judicial Magistrate, Vadipatti.

Copy to

The Section Officer, (2 copies)
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.R.Kannappan, Advocate Sr.No.86354
+1cc to Mr.M.Thirunavukarasu, Advocate Sr.No.85929

SM
VB/PM/SAR3/13.11.2018/2P/6C