



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.NPD[MD]No.927 of 2016

1.N.Dhanapandi
2.D.Eswaran

: Petitioners

Vs.

1.P.Murugesan
2.N.Ponnaiah

3.Christhuvin Kiruppai,
Uliyargal Trust,
Through its Managing Trustee,
A.John Christopher, (Baster),
S/o.M.Emelan,
Door No.25/4-A/7(2), Thovalai Village,
Muthunagar,
Thovalai Taluk,
Kanyakumari District.

: Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, praying to set aside the Fair and Decretal order dated 14.12.2015 made in I.A.No.340 of 2015 in O.S.No.737 of 2011 on the file of the Principal District Munsif Court, Dindigul.

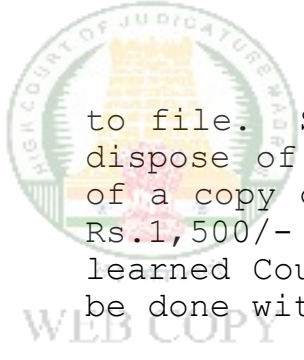
For Petitioners : Mr.R.Ramadurai
For Respondents 1&3 : No appearance
For Respondent No.2 : Mr.A.Hariharan

O R D E R

The plaintiffs in O.S.No.737 of 2011 on the file of the Principal Distirct Munsif Court, Dindigul are the revision petitioners herein. It is a suit for declaration and injunction. The suit was dismissed for default. To restore the same, revision petitioners filed an Interlocutory Application. There was a delay of 57 days. To condone the same, I.A.No.340 of 2015 was filed. The Court below dismissed the said Interlocutory Application by order dated 14.12.2015. This order is questioned in this Civil Revision Petition.

2.Heard the learned Counsel on either side.

3.This Court is of the view that the delay cannot be said to be inordinate. Therefore, an indulgent approach is warranted. Hence, the order impugned in this Civil Revision Petition is set aside. The Court below shall allow I.A.No.340 of 2015 and restore the suit



to file. Since the suit is of the year 2011, the Court below shall dispose of the same within six [6] months from the date of receipt of a copy of this order. The revision petitioner shall pay a sum of Rs.1,500/- [Rupees Thousand and Five Hundred only] to Mr.Hariharan, learned Counsel representing the contesting respondents. This shall be done within a period of two [2] weeks.

4.The Civil Revision Petition stands allowed, accordingly. No costs.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar(CS-IV)

MR

To
The Principal District Munsif Court,
Dindigul.

+1cc to Mr.R.Ramadurai, Advocate in SR No.85682

+1cc to Mr.A.Hariharan, Advocate in SR No.85384

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NM/RP/SAR IV/13.11.18/2P/4C.