



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.992 of 2016

and

C.M.P. (MD) .No.4919 of 2016

Rajendran
Respondent

.. Petitioner / Sole

vs.

S.Haridoss

.. Respondent / Petitioner

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 19.02.2016 passed in I.A.No.312 of 2015 in M.C.O.P.No.4 of 2010 on the file of the Principal Sub Court, Thanjavur.

For Petitioner : Mr.R.Narayanan

For Respondent : Mr.P.Sesubalan Raja

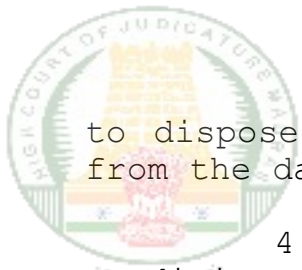
ORDER

The petitioner is the sole respondent in M.C.O.P.No.4 of 2010 on the file of the learned Principal Sub Judge, Thanjavur. The claimant is the respondent. The offending vehicle stands in the name of the revision petitioner. The revision petition had allowed the MCOP to be decreed exparte. To set aside the same, the revision petitioner filed an application. Again, there was a delay in filing such application. The applications were returned. There was a delay of 574 days in re-presentation also. The Court below taking note of the conduct of the revision petitioner dismissed the IA by order dated 19.02.2016. The same is questioned in this Civil Revision Petition.

2. This Court took the view that the petitioner will have to be put on terms. The learned counsel for the petitioner on instructions from the petitioner undertook to pay a sum of Rs.50,000/- directly to the claimant within a period of four weeks from the date of receipt of a copy of this order. Upon furnishing the proof of such payment, the applications filed by the petitioners for setting aside the exparte order dated 18.12.2012 will be numbered and allowed. The petitioners will have given an opportunity to contest M.C.O.P.No.4 of 2010 on merits. He may also be given an opportunity to implead the person, in whose favour the vehicle has been sold.

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

3. The learned Principal Sub Judge, Thanjavur is directed



to dispose of M.C.O.P.No.4 of 2010 within a period of four months from the date of receipt of a copy of this order.

4. With these directions and subject to the aforesaid condition this Civil Revision Petition is allowed. If the petitioner fails to pay the amount of Rs.50,000/- directly to the respondent within the above said period, the order made herein will stand automatically recalled and the Civil Revision Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is dismissed.

5. The learned counsel for the petitioner undertakes that he will not file an application seeking extension of time.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar(CS-I)

PJL

To

1. The Principal Sub Judge,
Thanjavur.

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

+1cc to Mr.P.Sesubalan Raja, Advocate in SR No.82403

C.R.P. (MD) No.992 of 2016

NM/PM/SAR 1/10.10.18/2P/5C