



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD).No.1722 of 2018 and
C.M.P. (MD) No.7386 of 2018

Chinnabalu

... Petitioner/Petitioner/
Defendant

Vs.

Periyabalu @ Balan

... Respondent/Respondent/
Plaintiff

PRAYER : Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order in I.A.No.677 of 2016 in O.S.No.39 of 2015, dated 28.04.2018 on the file of the learned Principal District Munsif cum Judicial Magistrate No.I, Srivilliputhur and allow this Civil Revision petition.

For Petitioner	: Mr.S.Muniyandi
For Respondent	: Mr.A.Thirumurugan

O R D E R

The defendant in O.S.No.39 of 2015 on the file of the Principal District Munsif, Srivilliputhur, is the Revision petitioner herein. The suit is one for declaration and permanent injunction. The suit was decreed ex-parte. To set aside the same, the Revision petitioner took out an application with a delay of 203 days. The Court below condoned the said delay on payment of cost of Rs.1,500/-. The cost amount was not paid. Therefore, the Revision petitioner suffered a dismissal. Questioning the same, this Civil Revision petition has been filed.

2. This Court, taking note of the conduct of the Revision petitioner, proposes to put him on terms. The Revision petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) directly to the learned counsel for the respondent herein. This amount shall be paid within a period of two weeks from the date of receipt of a copy of this order. Upon proof of such payment, the Court below shall number the set aside application and allow the same also. The Revision petitioner is given one more opportunity to contest the suit on merits.



3. The suit is of the year 2015. Therefore, the Court below is directed to dispose of the same within a period of eight months from the date of receipt of a copy of this order.

4. This Civil Revision petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The Principal District Munsif cum Judicial Magistrate No.I,
Srivilliputhur.

2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1 CC To MR.S.Muniyandi, Advocate SR. NO.87750

+1 CC To MR.Thirumurugan, Advocate SR. NO. 87839

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