



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.1901 of 2018

and

C.M.P. (MD) .No.8241 of 2018

P.Pauldurai

.. Revision Petitioner/Petitioner/
1st Defendant

vs.

1.A.Duraipandian

.. 1st Respondent/ 1st Respondent/
Plaintiff

2.Jeya Paul

3.Thankaselvi

.. Respondents 2 & 3 / Respondents 2 & 3/
Defendants 2&3

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 12.07.2018 in I.A.No.358 of 2018 in O.S.No.166 of 2011 on the file of the learned Sub Ordinate Judge, Padmanabhapuram.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.E.V.N.Siva

ORDER

The first defendant in O.S.No.166 of 2011 on the file of the Sub Court, Padmanabhapuram is the revision petitioner herein. He was set exparte. To set aside the same, I.A.No.358 of 2018 was filed. The same was dismissed by order dated 12.07.2018. Questioning the same, this Civil Revision Petition has been filed.

2. Heard the learned counsel on either side.

3. The suit in question is being tried along with three other suits. Trial had commenced and there has been substantial progress. Therefore, this IA should have been filed much earlier. There is considerable force in the objection raised by the respondents that this IA has been filed only to drag on the proceedings. However, I am of the view that substantial justice must be rendered and one more opportunity may be given to the revision petitioner.

1. In this view of the matter, the order impugned in this Civil Revision Petition is set aside and I.A.No.358 of 2018



is allowed on condition that the revision petitioner shall pay a cost of Rs.1000/- to the learned counsel appearing for the plaintiff before the Court below.

5. This Civil Revision Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-I)

/TRUE COPY/

Sub Assistant Registrar(CS-)

To

The Subordinate Judge,
Padmanabhapuram.

+1. C.C. to M/S.K.P.Narayanakumar, Advocate SR.No. 83850
+1. C.C. to M/S.E.V.N.Siva, Advocate SR.No. 83601

C.R.P. (MD) No.1901 of 2018
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PJL
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