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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)(PD)No.1938 of 2018

1.M.N.Sambavi
2.M.N.Ganapathy
3.M.N.Guhan
4.M.N.Kangeyan
5.Nalini Balasubramanian
6.Divya Raguvamshini
7.Barani Raguvamasa Sudha ...Petitioners

/Vs./

1. Arulmighu Meenakshi Sundareswarar Devasthanam,
represented by its Executive Officer,
Madurai.
2.K.Karuppanan
Mookan Ambalam (died)
K.Karuppiah (died)
3.K.Karmegam
A.Veerammal (died)
R.Veerammal (died)
4.R.Durai Raj
5.R.Mandayan
6.R.Balasubramanian
7.R.Janaki ...Respondents

Prayer: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to call for the records and set aside the fair and executable order dated 12.07.2018 passed in I.A.No.125 of 2015 in unnumbered C.M.A.No. Of 2015 on the file of the Principal District Court, Madurai.

For Petitioner : Mr.J.Barathan
for Mr.T.R.Jeyapalam
For R-1 : Mr.S.Manohar

ORDER

This Civil Revision Petition is directed against the order in I.A.No.125 of 2015 in Unnumbered C.M.A.No. Of 2015, dated 12.07.2018 on the file of the Principal District Court, Madurai.

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2. The revision petitioners herein filed an application to set aside the exparte decree. There was a delay in filing the same. To condone the same, they filed I.A.No.260 of 2011 in O.S.No.739 of 1988 on the file of the Second Additional Sub Court, Madurai. Since the same was dismissed, the revision petitioners filed CMA before the Principal District Judge, Madurai. There was a delay of 102 days in filing the said CMA. To condone the same, I.A.No.125 of 2015 was filed and the same was dismissed by the Court below dated 12.07.2018.

3. Heard Mr.T.R.Jeyapalam, learned counsel for the revision petitioners and Mr.S.Manohar, learned counsel for the first respondent.

4. This Court is of the view that the delay cannot be said to be inordinate. In any event, the reasons set out in the affidavit filed support of the petition in I.A.No.125 of 2015 are sufficient for condonation.

5. In this view of the matter, the impugned order passed in I.A.No.125 of 2015 in Unnumbered C.M.A.No. Of 2015, dated 12.07.2018 on the file of the Principal District Court, Madurai is set aside and the Court below is directed to number the CMA. The Court below, after numbering the CMA shall forward the same immediately to this Court, so that this Court can take up the said CMA along with CRP(MD)No.1870 of 2016. This CRP is allowed. No costs.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The Principal District Judge, Madurai.

+1cc to Mr.S.Manohar, Advocate Sr.No.83266

SM

VB/SV/SAR2/20.11.2018/2P/3C

Order made in
C.R.P.(MD)(PD)No.1938 of 2018
07.09.2018

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