

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.02.2019**

CORAM:

THE HONOURABLE Mr.**JUSTICE N.SATHISH KUMAR**

C.R.P.(NPD) No.155 of 2008

1. S.Ramalingam
2. S.Anandan

...Petitioners

versus

Sambasivam

...Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 08.03.2007 made in I.A.No.901 of 2006 in O.S.No.139 of 2004 on the file of Principal District Munsiff Court, Tindivanam.

For Petitioner : No Appearance

ORDER

This Civil Revision Petition has been filed against the fair and decretal order dated 08.03.2007 made in I.A.No.901 of 2006 in O.S.No.139 of 2004 on the file of Principal District Munsif Court, Tindivanam.

2. Though there was no representation, considering the fact that the case is of the year 2008, this Court would dispose of this case on merits.

3. This revision is filed challenging the order of the trial Court in allowing the application filed to condone the delay of 546 days in filing petition to set aside ex-parte decree.

4. I have perused the affidavit and orders of the trial Court. The trial Court, taking into consideration the allegation of the petitioner that he suffered heart disease, therefore, he could not appear before the said Court, has granted a chance to establish the substantial right and adopted liberal approach. The court's discretion in adopting the liberal approach is only to guide the party to succeed the case on merits.

5. This Court is of the view that the said finding does not require interference. Accordingly, this Civil Revision Petition is dismissed. The order of the trial Court dated 08.03.2007 made in I.A.No.901 of 2006 in O.S.No.139 of 2004 on the file of Principal District Munsif Court, Tindivanam is confirmed. No costs.

Index:Yes/No

Speaking/Non-speaking Order

kmi

To
The Principal District Munsiff,
Tindivanam.

WEB COPY 08.02.2019

N.SATHISH KUMAR, J.

kmi



C.R.P.(NPD) No.155 of 2008

WEB COPY **08.02.2019**