

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRP PD No.1673 of 2019 and
CMP No.10788 of 2019

1. Mrs. Saraswathy

2. Ms. Renukadevi

3. Vijayalakshmi

... Petitioners

Vs.

1. N.Suresh

2. Ravindran

3. K.Jawahar

4. Prabhakaran

5. M.Jothi

6. Kuppusami

7. A.R.Thennarasu

8. Rayappan

9. Nagaraj

10. V.Subramaniam

... Respondents

Prayer Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 11.10.2019 passed by the III Additional Subordinate Judge, Coimbatore in I.A.No.684 of 2017 in O.S.No.643 of 1991.

For Revision Petitioners : Mr.S.Mukunth

ORDER

This revision petition has been filed challenging the order passed by the trial court, allowing the application to restore the suit, which was dismissed for default on 18.01.2000.

2. The revision petitioners are the defendants 1 to 3 in the suit and the suit has been filed by the plaintiff for specific performance. Originally, an application was filed by the plaintiff under Section 5 of the Limitation Act to condone the delay of 307 days in filing the petition to restore the suit, which was dismissed for default on 18.01.2000. That petition was dismissed by the trial court, against which, CRP No.776 of 2005 had been filed before this court. This court vide its order dated 02.03.2017, allowed the said revision petition on payment of costs and further directed the trial court as follows.

" b. The trial court is directed to number the set aside application and to dispose the same, within one month from the date of receipt of a cop of this order, by giving opportunity to both parties.

c. After passing order in the set aside petition, since the suit is for the year of 1991, the learned trial Judge is directed to dispose the suit in O.S.No.643 of 1991, within a period of two months on day to day basis, without giving adjournment to either parties and both the parties are hereby directed to co-operate for early disposal of the suit. No costs. Connected miscellaneous petition is closed"

3. On the basis of the above order, the trial court has numbered the restoration petition and allowed the same. Against which, the present revision petition has been filed. Since this court in an earlier occasion ordered that the trial court should allow the application to restore the suit and dispose the suit, I am of the view that the trial court has disposed the above application in terms of the direction given by this court and the same cannot be found fault with.

4. However, since the suit has been filed for specific performance, the trial court is directed to dispose the suit on merits

by keeping in mind the unregistered document sought to be enforced after lapse of many years.

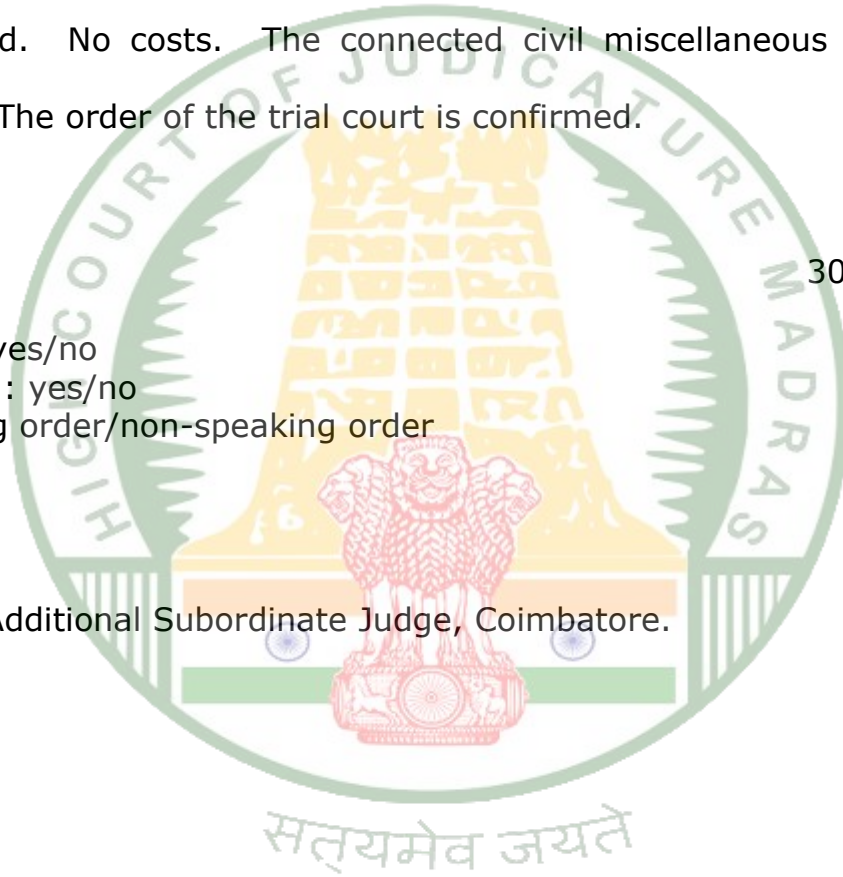
5. With the above observation, this civil revision petition is dismissed. No costs. The connected civil miscellaneous petition is closed. The order of the trial court is confirmed.

30.04.2019

Index : yes/no
Internet : yes/no
Speaking order/non-speaking order
mst

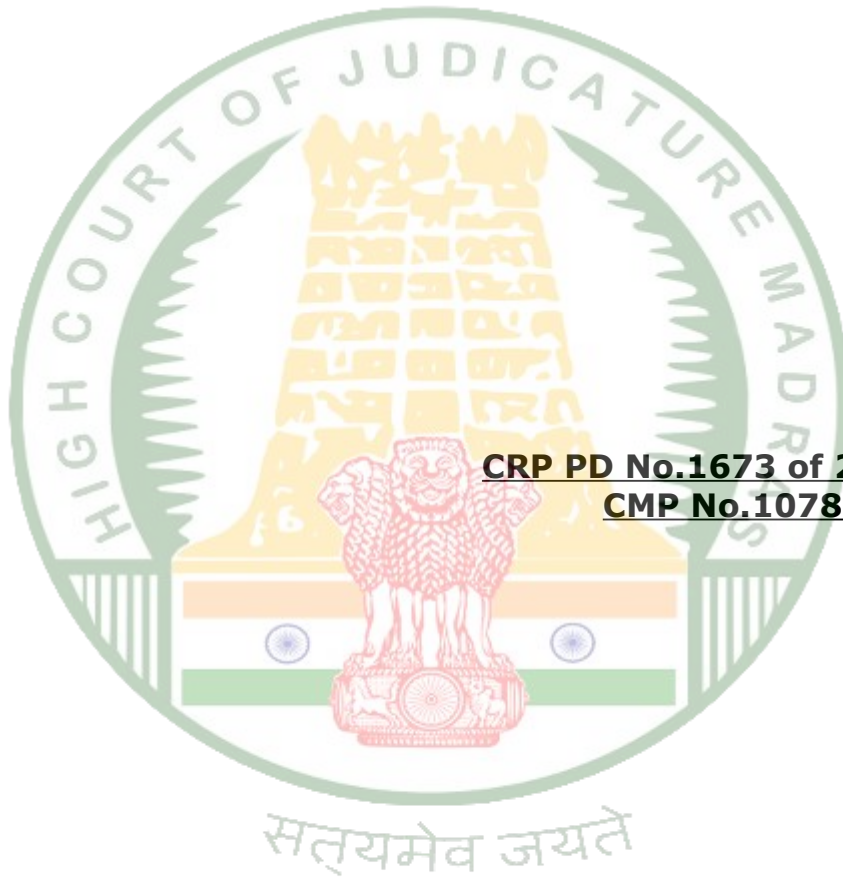
To

The III Additional Subordinate Judge, Coimbatore.



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N.SATHISH KUMAR. J.,
mst



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