

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

C.R.P.(NPD).No.1146 of 2015

and

M.P.No.1 of 2015

1.Saroja

2.Nataraj

3.Duraisamy

4.Kalyani

5.Gopal

... Petitioners

vs

1.Pappathy

2.Pappammal

3.Pappathy

4.Sundarambal

5.K.Chinnasamy

6.C.Murugasamy

7.C.Ramamurthy

8.Balakrishnan

9.Vellingiri

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order made in I.A.No.156 of 2015 in O.S.No.132 of 2012 dated 19.02.2015, on the file of I Additional District & Sessions Judge, Tirupur.

For Petitioners : Mr.C.Veeraraghavan
For R1 to R3 : Mr.S.Kaithamali Kumaran
For R6 & R7 : Mr.Sam Jayaraj Houston for
M/s. Sarvabhauman Associates
For R4, R5, R8 & R9 : No appearance

ORDER

The present Civil Revision Petition is directed against the fair and decretal order dated 19.02.2015 passed in I.A.No.156 of 2015 in O.S.No.132 of 2012 by the I Additional District & Sessions Judge, Tirupur.

2.The petitioners were set exparte on 20.01.2015 after the trial was commenced and the PW-1 was partly examined.

3.Earlier, the 11th defendant was set exparte. He filed an application to set aside the said exparte decree which came to be allowed by the Court.

4.After the application filed by the 11th defendant was allowed, the case was posted for further cross examination of PW-1 by the defendants No.1 to 5 on 20.01.2015, the petitioners were set exparte and an exparte decree was passed on the same day.

5.Under these circumstances, the petitioners filed I.A.No.156 of 2015 to set aside the exparte decree dated 20.01.2015. On 19.02.2015, the said application came to be dismissed on the ground that the plaintiffs are the senior citizens and they have been harassed by the petitioners.

6.The learned counsel for the respondents No.6 & 7 has no serious objection to allow the present Civil Revision Petition.

7.I have gone through the records. At the time of admission of this Civil Revision Petition, the petitioners had obtained an interim order from this court. Another 4 years have lapsed due to the pendency of this case before this Court.

8.I am of the view, the petitioners deserve fair chance to defend themselves in the Suit. However, considering the fact that they have been negligent, they should be directed to pay cost to the respondents No.1 to 3 (the plaintiffs).

9.The petitioners are therefore directed to deposit a sum of Rs.5,000/- as cost to the credit of the suit payable to each of the plaintiffs in the above suit within a period of four weeks from the date of receipt of a copy of this order.

C.SARAVANAN, J.

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10.On such deposit, the learned I Additional District Judge, Tirupur is directed to dispose the suit within a period of six months from the date of receipt of a copy of this order.

11.The present Civil Revision Petition is allowed with the above observations. No cost. Consequently, connected Miscellaneous Petition is closed.

19.06.2019

Index:Yes/No
Internet :Yes/No

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To

1.The I Additional District & Sessions Judge,
Tirupur.

2.The Section Officer, V.R.Section,
High Court, Madras.

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and
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