

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2019

CORAM

THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP.(PD)No.445 of 2016

and

CMP.No.2295 of 2016

1. Sivakumar
2. Manikandan

..Petitioners

Vs

1. Sugumaran

..Respondent

PRAYER: Civil Revision Petition filed under section 115 of the Civil Procedure Code praying to set aside the order dated 14.10.2015 passed in I.A.No. 825 of 2015 in O.S.No.60 of 2014 on the file of the Additional District Munsif, Vaniyambadi by allowing this Civil Revision Petition and to grant such other relief or reliefs.

For Petitioners : Ms. Elizabeth Ravi
For Respondent : Mr. P.N. George Graham for
M/s. Devadason & Sagar

ORDER

The above Civil Revision Petition is filed challenging the dismissal of an application in I.A.No.825 of 2015 in O.S.No.60 of 2014 passed by the Additional District Munsif, Vaniyambadi refusing

to condone the delay 276 days in filing an application to set aside the ex-parte decree.

2. Heard both the counsels. The only reason that has been given by the revision petitioner for condoning the delay is that he was suffering from jaundice. Though the reasons are inadequate, however, considering the relationship between the parties, this Court deemed it fit to set aside the order passed in I.A.No.825 of 2015 and direct the learned Additional District Munsif, Vaniyambadi and to also set aside the ex parte decree dated 05.11.2014.

3. The Civil Revision Petition is allowed on condition that a sum of Rs.3000/- (Rupees Three Thousand Only) is paid to the learned counsel for the respondent within a period of One (1) week that is on or before 22.03.2019.

4. List this matter for reporting compliance on 25.03.2019.

5. Registry is directed to delete the name of Mr.S. Subbiah, Senior Counsel and also directed to ensure that designated Senior Counsel name is omitted while printing the cause list.

6. The learned Additional District Munsif, Vaniyambadi is

thereafter directed to dispose of the suit within a period of six (6) months from the date of receipt of a copy of the order. No costs. Consequently, connected miscellaneous Petition is closed.

15.03.2019

Index: Yes/No
Internet: Yes/No
Speaking order / Non-speaking order
mrn

To
The Additional District Munsif,
Vaniyambadi.



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P.T.ASHA, J.

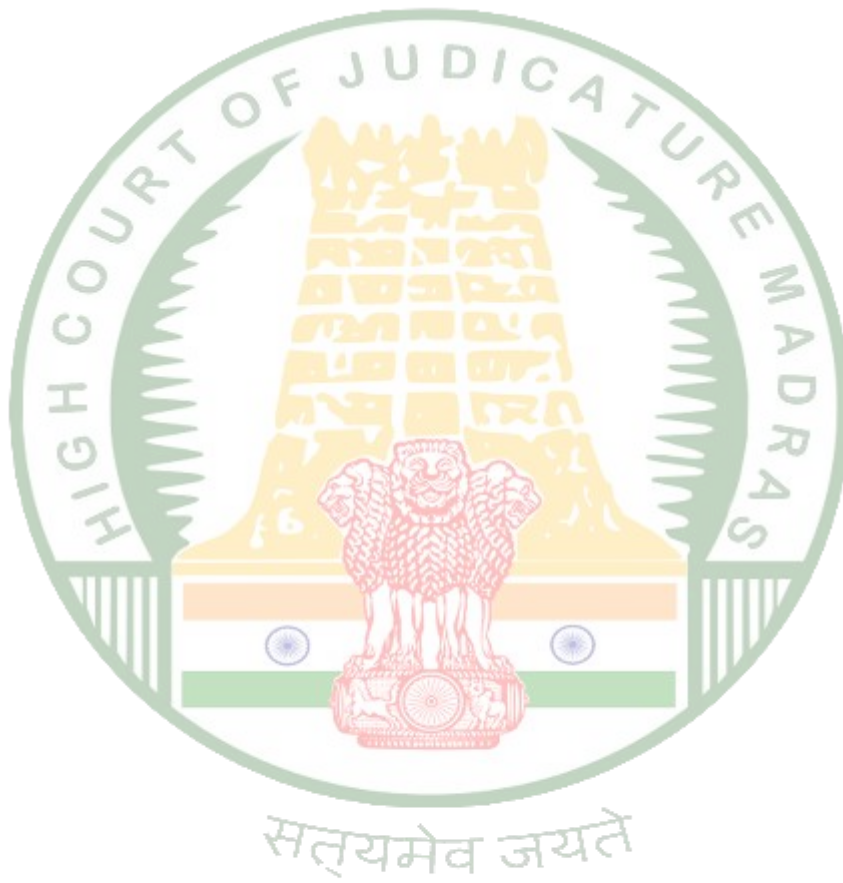
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