

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. NPD 2567 of 2018
and
C.M.P. 15499 of 2018

V.Govindhammal @ Ramakkal ... Petitioner

Versus

1. R.Chinnusamy
2. C.Kondammal ... Respondents

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the fair and decreetal order dated 14.02.2017 made in I.A.No.432 of 2017 in O.S.No.118 of 2015, on the file of District Munsif Court, Mettur.

For Petitioner : Mr.V.Elangovan

For respondents : Mr.M.Mariappan for R1

ORDER

This Civil Revision Petition has been filed challenging the order allowing the application filed by the respondents/defendants to condone the delay of 271 days in filing the petition to set aside the exparte decree.

2. Earlier, the petitioner has filed a suit for declaration, recovery of possession and for mandatory injunction. The suit was decreed exparte on 21.01.2016. Thereafter, the respondents/defendants filed an application to set aside the exparte decree with the delay of 271 days in filing the petition to set aside the exparte decree, and filed an application to condone the delay. The Trial Court has allowed the application on payment of cost of Rs.1000/-. Challenging the same, the present Civil Revision Petition has been filed.

3. I have heard and considered rival submissions made by learned counsel appearing for petitioner as well as learned counsel appearing for respondents, and perused the records carefully.

4. On perusal of records, it could be seen that the

respondents/defendants had given a valid cause for the delay. Considering the same, the Trial Court has allowed the application on payment of cost, and I find no illegality or irregularity in the order passed by the court below and I find no merit in this Civil Revision Petition.

5. However, considering the fact that the suit is pending from the year 2015, the Trial Court is directed to dispose the Suit within a period of three months from the date of receipt of the copy of this order. Both the parties are directed to co-operate with the trial.

6. Accordingly, the present Civil Revision Petition stands dismissed with the above direction. No costs. Consequently, the connected Civil Miscellaneous Petition in C.M.P. 15499 of 2018 is closed.

सत्यमेव जयते

12.12.2019

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
rpp

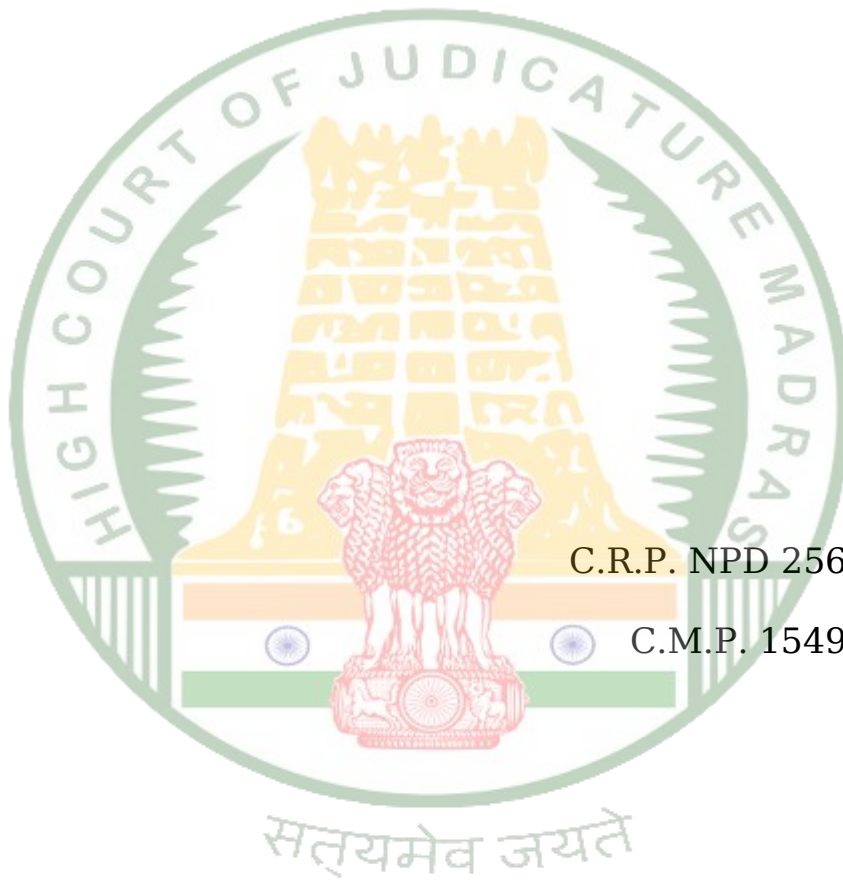
Note : Issue order copy on 28.01.2020

To
District Judge,

District Munsif Court,
Mettur.

V.BHARATHIDASAN,J.

rpp



C.R.P. NPD 2567 of 2018
and
C.M.P. 15499 of 2018

WEB COPY

12.12.2019