

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2019

CORAM

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

C.R.P(NPD).No.1514 of 2014

and

M.P.No.1 of 2014

1. V.Ravi
2. Saravanan

... Petitioners

Vs

1. Allimuthu
2. Koothan
3. Kasiyammal

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India against the fair and decreetal order dated 19.03.2013, passed in I.A.No.228 of 2013 in O.S.No.160 of 2008 on the file of the District Munsif Court, Mettur.

For Petitioners :

Mr.P.Mani

For Respondents :

Mr.V.Vargees Amalraja

WEB COPY

ORDER

The learned counsel for the petitioner submitted that the suit was originally dismissed for default and thereafter restored. Subsequently, the parties herein who are the members of the same family negotiated and in the course, the suit was once again dismissed for non prosecution. Therefore, an application was filed to condone the delay of 14 days in filing the application to restore the suit.

2. The court below has dismissed the application on the ground that the application is nothing but a play to harass the respondents and therefore, the application deserves to be dismissed.

3. It appears from the records that the dispute is between the members of the same family and they attempted to resolve the dispute amicably during the pendency of the suit. The suit was however dismissed for the second time and therefore, an application was filed with a delay of 14 days. The Court below has declined the application for condoning the delay in filing the application to restore the suit.

4. Since the parties are from the same family they deserve another chance to solve the dispute through Court or by way of Mediation to bring a finality. I am therefore, inclined to allow this revision petition subject to payment of cost of Rs.5,000/- by the petitioners to each of the respondents. On such payment being made and producing the proof of payment by the petitioners, the court below shall restore the suit to its file and dispose of the case within a period of six months from the date of receipt of a copy of this order. It is made clear that the cost should be paid within four weeks from the date of receipt of a copy of this order. Only on production of proof of payment within such time, the suit will stand restored. Consequently, connected miscellaneous petition is closed.

27.02.2019

Index:Yes/No
Internet:Yes/No

ssn

To

The District Munsif Court,
Mettur.

WEB COPY

C.SARAVANAN, J.,

ssn



**C.R.P(NPD).No.1514 of 2014
and
M.P.No.1 of 2014**

WEB COPY

27.02.2019