

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Twelfth day of September Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE R. PONGIAPPAN

CRP.PD.No.3867 of 2014

KRISHNAMURTHY [PETITIONER]
S/O SUBBRAYA PADAYACHI, KANGEYANOOR VILLAGE
& POST, VILLUPURAM TK.

Vs

SUBRAMANIAN [RESPONDENT]
S/O KUPPUSAMY GOUNDER, KANGEYANOOR VILLAGE &
POST, VILLUPURAM TK.

Under section 115 code of CPC filed against the order and decree made in IA.NO.1514 OF 2011 in O.S.NO.103 OF 2004 dated 18.06.2012, on the file of the Additional District Munsif Villupuram in CRP.PD.NO.38667 OF 2014.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.D.RAVICHANDER, Advocate for the petitioner the court made the following order:-

Today when the matter is came up for hearing, the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent are present. In earlier, the petitioner had filed a suit as against the respondent seeking the relief to direct the defendant to pay a sum of Rs.25,400/- with the subsequent interest till the date of realization. After filing the suit before the trial Court, the respondent herein entered into appearance and filed his written statement.

2 However, after filing the written statement due to his absence, the learned District Munsif, Villupuram, passed an exparte decree and directed the defendant to pay the said amount. After granting a decree in favour of the petitioner, the defendant has filed an application under Section 5 of limitation Act to condone the delay of 1010 days in filing the application under order 9 rule 13 for setting aside the exparte decree.

3 The learned District Munsif, after an elaborate enquiry, particularly after affording opportunity to either side allowed the application on condition that the petitioner should pay a sum of Rs.1,500/- as a cost to the respondent.

4 Aggrieved over the said finding, the petitioner/plaintiff is before this Court with the present Civil Revision Petition.

5 Today, when the petition is came up for hearing, both the counsel appearing for the petitioner and the respondent made a suggestion that the dispute between the petitioner and the respondent may refer to District Mediator attached with Villupuram District Judiciary. The submissions made by the counsel are recorded. Since, the dispute between the petitioner and the respondent is with regard to the loan availed by the defendant, I am of the opinion that the best way to settle the issue is referring the matter to mediation.

6 Hence, registry is directed to forward the copy of the petition with relevant documents to the learned Principle District Judge, Villupuram, within a period of one week. After receiving the copy of the documents the learned Principle District Judge, may appoint a mediator and take effective steps to complete the mediation process as early as possible within a period of 45 days, from the date of receipt of a copy of this order. After completing the mediation process, the learned Principle District Judge, Villupuram is directed to return the case papers along with the mediation report.

7 Registry is directed to list the matter immediately after receiving the mediation report.

-sd/-

12/09/2019

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL DISTRICT
MUNSIF VILLUPURAM.

2 THE PRINCIPAL DISTRICT
JUDGE VILLUPURAM.

3 THE TAMILNADU MEDIATION AND CONCILIATION
CENTRE, HIGH COURT, MADRAS 104

4 THE DISTRICT JUDGE
MEDIATION AND CONCILIATION CENTRE,
VILLUPURAM.

C.C. to M/S.D.RAVICHANDER Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in
CRP.PD.NO.3867/2014

Date :12/09/2019

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VC (20/09/2019)



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