

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P(NPD),No.3098 of 2017

Yuvaraj

...Petitioner

Vs

Kuppammal

... Respondent

Prayer: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure against the order and decretal order passed by the learned District Munsif Court, Thindivanam in I.A.No.549 of 2013 in O.S.No.287 of 2006 dated 22.02.2017.

For Petitioner : Mr.B.Balavijayan

For Respondent : Ms.Jayalakshmi
M/s.Paul & Paul

ORDER

The above Civil Revision Petition is filed challenging the dismissal of an application filed by the revision petitioner/defendant in I.A.No.549 of 2013 in O.S.No.287 of 2006 for condoning the delay of 1456 days in filing necessary application for setting aside the ex parte decree passed against him on 23.09.2008. The respondent/plaintiff is

the paternal aunt of the revision petitioner. The respondent claims a right to the property on the basis of the settlement deed dated 16.07.1997 executed in her favour by her mother and the revision petitioner who is the grandson through the son has claimed a right on the basis of the Will followed by a settlement deed.

2.Considering the relationship between the parties, though, the Court below has dismissed the application, this Court feels that a chance may given to the revision petitioner to establish his right over the suit property. Therefore the Civil Revision Petition is allowed, the delay is condoned and the ex parte order is also set aside on the following condition:

A)The revision petitioner shall pay a sum of Rs.50,000/- within a period of four weeks from today (i.e.11.03.2019).

B)On the payment of the said amount compliance of which has to be submitted before the Trial Court.

3.The Court below shall take up the suit and within two weeks there from the revision petitioner shall file his written statement and within four months from the date of filing of the written statement the

learned Judge shall dispose of the suit. It is needless to state that default in conditions A and B would automatically result in the order dated 22.02.2017 in I.A.No.549 of 213 in O.S.No.287 of 2006 being restored.

The Civil Revision Petition is allowed on the above lines. There shall be no order as to costs.

11.03.2019

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Index : Yes/No
Speaking order/non-speaking order

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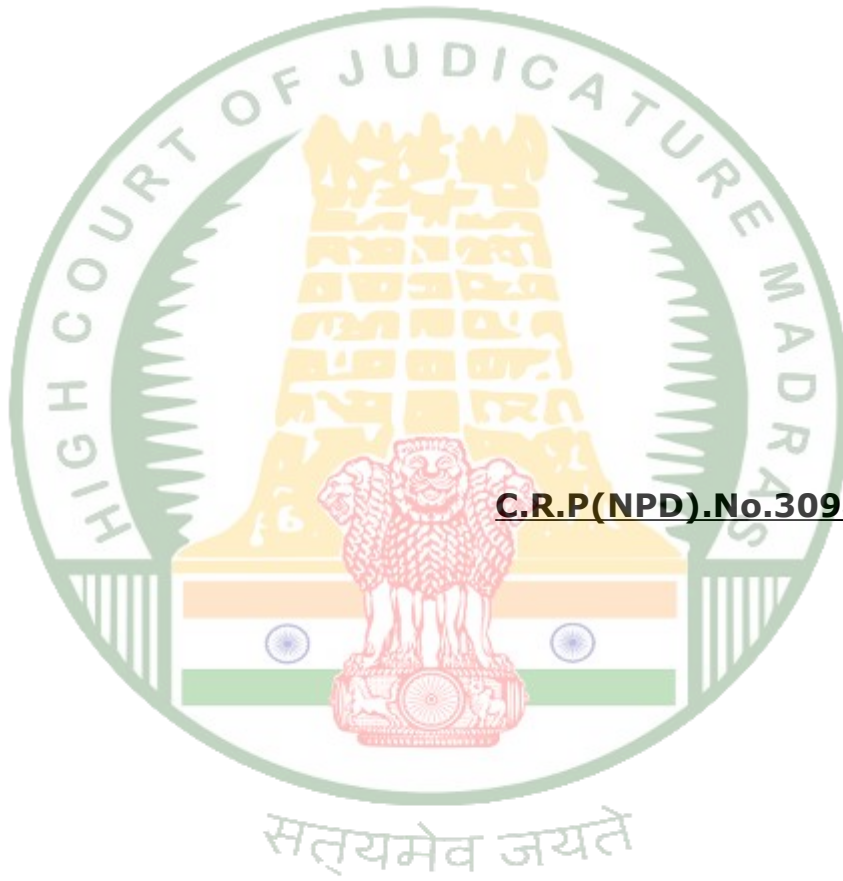
The District Munsif,
Thindivanam



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P.T.ASHA, J.,

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