



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2019

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) .No.1503 of 2019

S.Prabavathy

... Petitioner/
Petitioner / Plaintiff

Vs.

1.N.Sridar

2.R.Ravisekaran

... Respondents 1 & 2/
Respondents 1 & 2 / Defendants 1 & 2

PRAYER:- Civil Revision Petition filed under Section 115 of C.P.C., against the order dated 21.02.2019 passed in I.A.No.432 of 2015 in O.S.No.74 of 2011 by the learned Additional District Munsif, Lalgudi (FAC).

For petitioner

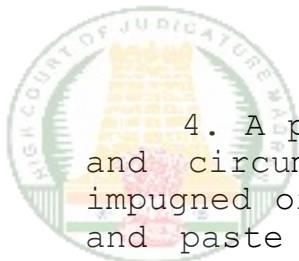
: Mr.T.Antony Arulraj

ORDER

This Civil Revision Petition has been filed by the petitioner challenging the order dated 21.02.2019 passed in I.A.No.432 of 2015 in O.S.No.74 of 2011.

2. The learned counsel for the petitioner submitted that the petitioner as plaintiff has filed the suit for permanent injunction against the respondents/defendants. On 25.10.2013, due to non appearance of the petitioner, the suit was dismissed for default. For filing a petition for restoration, there occurred a delay of 143 days. Seeking to condone the delay of 143 days in filing a petition for restoration, the petitioner has filed I.A.No.432 of 2015. By order dated 21.02.2019, the Court below has dismissed the same. He would further submit that totally different facts and circumstances have been mentioned and discussed in the certified copy of the order and thus, the petition filed by the petitioner has been erroneously dismissed by the Court below. As there is error apparent on the face of the record, this Court may set aside the impugned order and direct the Court below to consider the matter afresh. Thus, he prayed to allow this petition.

3. Heard the learned counsel for the petitioner.



4. A perusal of the order dated 21.02.2019 shows that the facts and circumstances of the case mentioned and discussed in the impugned order is totally a different one. It seems that while cut and paste the order or cause title, this order could have been erroneously inserted. It is not known as to whether it is a mistake in the original order or it is a mistake in the certified copy of the order. First of all, the petitioner could have very well brought to the knowledge of the Court below about the above mistake. It appears that he has not brought the same to the Court below, but he has hurriedly come to this Court. Hence, the petitioner is directed to approach the Court below and bring to the knowledge of the Court below as to the above mistake and if necessary, he can very well file review petition before the Court below. If it is a mistake occurred while issuing certified copy, the Court below shall issue a fresh copy of the original order dated 21.02.2019 within a period of one week from the date of receipt of a copy of this order or if it is a mistake in the original order, the Court below may allow the petitioner to file review petition and dispose of the same within a period of two weeks from the date of filing of the review petition.

5. This revision petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

To

The Additional District Munsif,
Lalgudi (FAC).

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate, sr No.84784

C.R.P (MD) .No.1503 of 2019
30.08.2019

GCG
MS/06.09.2019/2P.3C