



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P. (PD) (MD) .No.1729 of 2019

and

C.M.P. (MD) .No.8863 of 2019

WEB COPY

Nagarajan ... Petitioner/Petitioner/Defendant
Vs.
Anbazagan ... Respondent/Respondent/Plaintiff

PRAYER: Civil Revision Petition is filed under Section 115 of Civil Procedure Code against the fair and decreetal order dated 02.03.2019 in I.A.No.457 of 2018 in O.S.No.126 of 2018 on the file of the Sub Court, Aranthangi, Pudukottai District.

For Petitioner : Mr.K.Baalasundharam
For Respondent : Mr.N.Balakrishnan

O R D E R

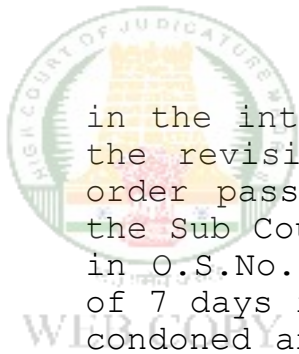
The Civil Revision Petition has been filed challenging the order passed passed by the Sub Court, Aranthangi, Pudukottai District in I.A.No.457 of 2018 in O.S.No.126 of 2018, dated 02.03.2019.

2. The application in I.A.No.457 of 2018 has been filed to condone the delay of 7 days in filing the petition to set aside the ex-parte decree. The Sub Court, Aranthangi, Pudukottai District after hearing both the parties, dismissed the application stating that the revision petitioner has not provided sufficient reasons to condone the delay of 7 days in setting aside the ex-parte decree.

3. The learned counsel for the revision petitioner would submit that due to the F.I.R. registered against the petitioner and his family members, he was not able to give sufficient instructions to his lawyer to conduct the case. Hence, the delay of 7 days had occurred.

4. The learned counsel for the respondent would submit that the application may be considered on terms.

5. Considering the fact that the delay is only 7 days and this Court is of the view that the delay of 7 days in filing the application needs to be condoned. However, the Court below has not considered all these facts and dismissed the application on the ground that the delay was not property explained. This Court is not in a position to accept the reasons provided by the Court below and



in the interest of justice and to provide sufficient opportunity to the revision petitioner, this Court is inclined to set aside the order passed by the Court below. Accordingly, the order passed by the Sub Court, Aranthangi, Pudukottai District in I.A.No.457 of 2018 in O.S.No.126 of 2018, dated 02.03.2019 is set aside and the delay of 7 days in filing the petition to set aside the ex-parte decree is condoned and the Civil Revision Petition is allowed on payment of a sum of Rs.1,000/- (Rupees One Thousand only) to the credit of District Siddha Medical Officer, AC/No.10767823177, IFSC Code: SBIN0000898, MICR Code: 625002601, Branch, SBI, Periyakulam, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

The Sub Court, Aranthangi,
Pudukottai District.

Copy to:

The District Siddha Medical Officer,
Branch, SBI, Periyakulam,

+1 CC to Mr.K.BAALASUNDHARAM, Advocate (SR-93444[F] dated 22/10/2019)

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