

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.R.P.(PD) No.1159 of 2010
and
M.P.No.1 of 2010

1.Elumalai
2.Dhavamani
3.Nachiammal
4.Chinnadurai
5.Subramanian

...Petitioners

..Vs..

Panchalai Ammal

....Respondent

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order dated 29.10.2009 made in I.A.No.340 of 2009 in O.S.No.162 of 2005 on the file of District Munsif Court at Shankarapuram.

For Petitioners :Mr.R.Krishna Prasad
for M/s.Sarvabhauman Association
For Respondent :No appearance

ORDER

The respondent herein filed O.S.No.162 of 2005 on the file of District Munsif Court, Kallakurichi for partition of suit properties claiming 1/16th share and the same was decreed ex-parte on 04.04.2006. Subsequently, the petitioners herein have filed I.A.No.340 of 2009 to set aside the ex-parte decree with condonation of delay of 850 days.

2. After consideration, the learned District Munsif, Kallakurichi, by order dated 29.10.2009, has dismissed I.A.340 of 2009.

3. After hearing both the parties and taking note of the fact that some of the petitioners herein who are the defendant are not served which had caused the delay, this Civil Revision Petition is allowed on payment of costs of Rs.1,500/- to the respondents before the Trial Court within a period of four weeks from the date of receipt of a copy of this order.

4. In the event of non-payment of the above said amount within a period of four weeks from the date of receipt of a copy of this order, the I.A.No.340 of 2009 shall stand dismissed.

5.The order passed in I.A.No.340 of 2009 modified accordingly.
No costs. Consequently, connected M.P is closed.

03.01.2020

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Index:Yes/No
Speaking Order:Yes/No

To

The District Munsif Court at Shankarapuram.

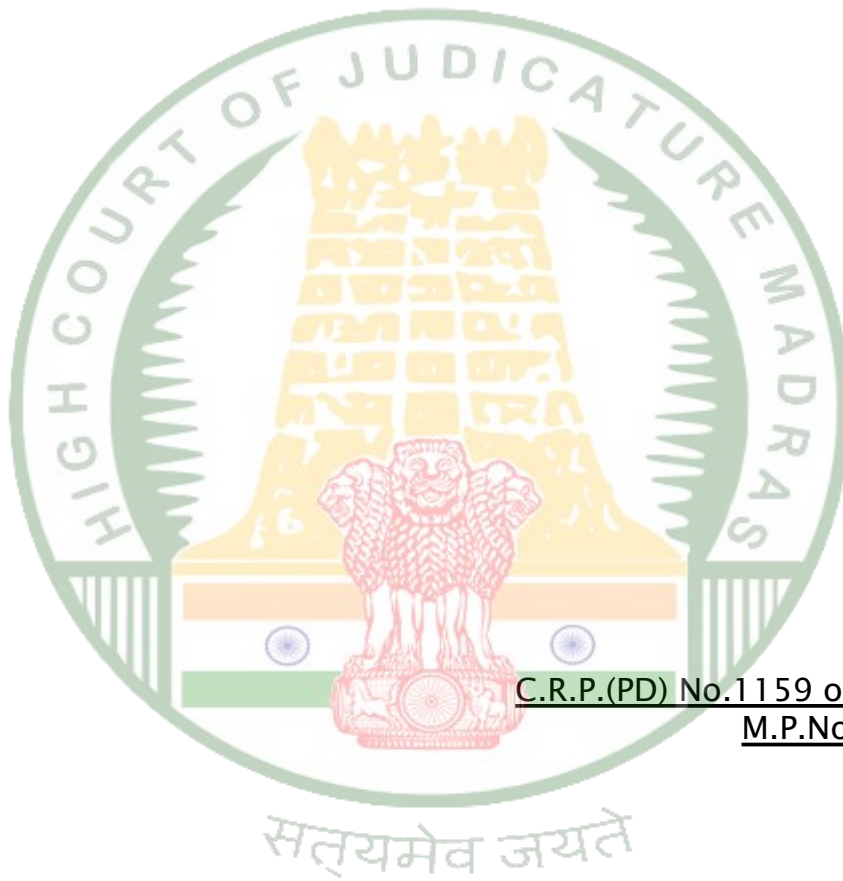
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RMT.TEEKAA RAMAN,J.,

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