

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P.PD 878 of 2020

and

C.M.P. 4667 of 2020

M/s.Bajaj Scales,
rep. by Proprietor
D.Baskaran

... Petitioner

Versus

Arcot Lutheran Church,
rep. by Secretary

... Respondent

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the Fair Order and Decreetal Order in I.A. 2/2019 in O.S. 4277 of 2018 dated 02.12.2019 on the file of VII Asst. City Civil Court at Chennai.

For Petitioner : Mr.G.Appavu

ORDER

This Civil Revision Petition has been filed against the order allowing the application filed under Order 9 Rule 7 of C.P.C. to set aside the exparte order.

2. The petitioner is a plaintiff, he has filed a suit for permanent injunction, and in the suit, the respondent/defendant was set exparte on 15.07.2019 for non-filing of written statement. Subsequently, the petitioner has filed an application to set aside the exparte order, that has been allowed on payment of cost of Rs.500/-. Challenging the same, the present Civil Revision Petition has been filed.

3. I have considered the submissions made by learned counsel appearing for petitioner and perused the records carefully.

4. On perusal of affidavit filed in support of the petition, it could be seen that, the petitioner counsel's clerk has wrongly note down the hearing date as 18.07.2019 instead of 18.06.2019, hence, he could not file the written statement in time, and the respondent was set exparte. Immediately, the application has been filed to set aside the exparte order. Considering the circumstances, the trial court has allowed the application on payment of cost of Rs.500/-. I have gone through the materials available on record, I find no illegality or irregularity in the order

passed by the court below, and I find no merit in this Civil Revision Petition.

5. However, considering the fact that, the suit is pending from the year 2018, the learned VII Asst. Judge, City Civil Court, Chennai is directed to proceed with the suit, and dispose the same within a period of six months from the date of receipt of copy of this order. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

28.02.2020

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
rpp

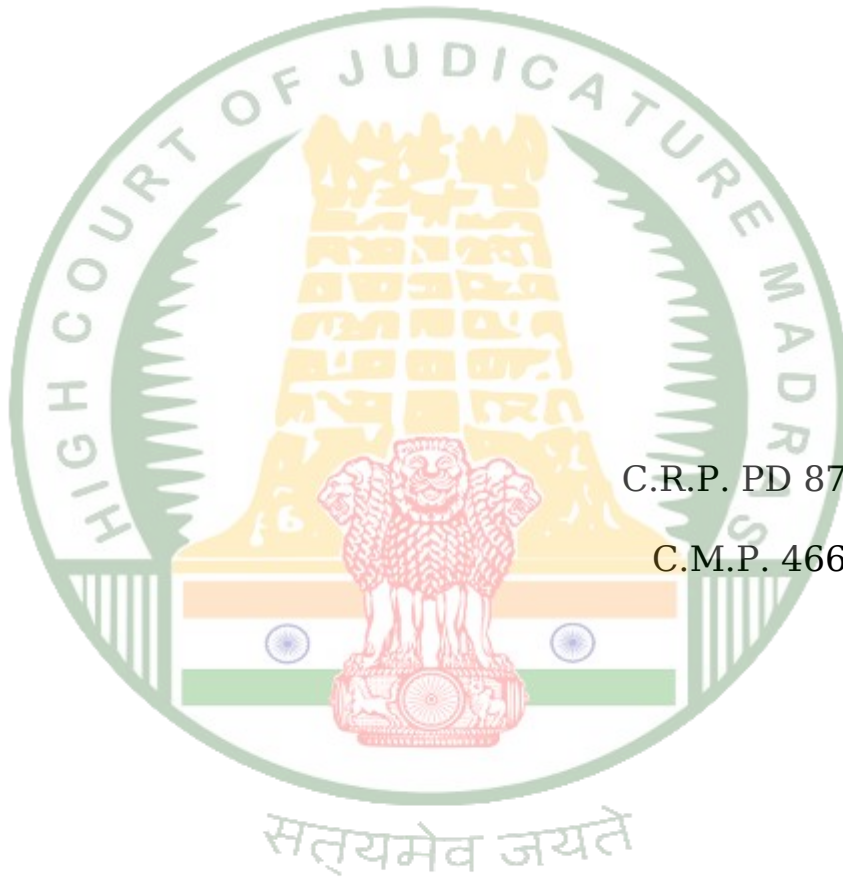
To

VII Asst. Judge,
City Civil Court,
Chennai.

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V.BHARATHIDASAN,J.

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