

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P (PD) No.1122 of 2020
and C.M.P.No.6104 of 2020

1.E.Tulasi @ Thulasiyammal
2.Krishnaveni
3.Uma Maheswari

... Petitioners

Vs.

1.S.Jayalakshmi
2.Saravanan
3.Kumaran

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India as against the order dated 06.03.2020 made in I.A.No.3 of 2020 in O.S.No.5887 of 2017 on the file of the IV Additional City Civil Court, Chennai.

For Petitioners : Ms.R.Poornima

For Respondents : Mr.R.Srinivas for R1

ORDER

The petitioner filed a petition seeking permission to file documents before the trial Court under Order VIII Rule 1(A) of C.P.C. r/w under Section 151 of C.P.C. In that petition, counter affidavit was filed on 11.02.2020 and the matter was posted for enquiry on 21.02.2020 and on that day, the petitioner was not ready and it was adjourned to 06.03.2020 as a last chance. On 06.03.2020, the learned counsel for the petitioner had sought for one day adjournment, but it was dismissed with an endorsement "petitioner always not ready". Petition dismissed'. The dismissal of I.A.No. 3 of 2020 is not on merits, but, it was dismissed for default.

2. It is open to the petitioner to approach the Court for restoration of Interlocutory Application and for its disposal on merits. However, the petitioner has straight away approached this Court on the ground that the trial Court has not granted opportunity of hearing for placing her arguments.

3. Considering the fact that one of the petitioners is aged about 88 years, liberty is granted to the petitioner to approach the trial Court by filing a petition to set aside the order of dismissal for default and on such petition being

filed, the trial Court is directed to entertain the same and pass orders on merits.

With the above direction, the Civil Revision Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

09.09.2020

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To

The IV Additional Judge,
City Civil Court, Chennai.

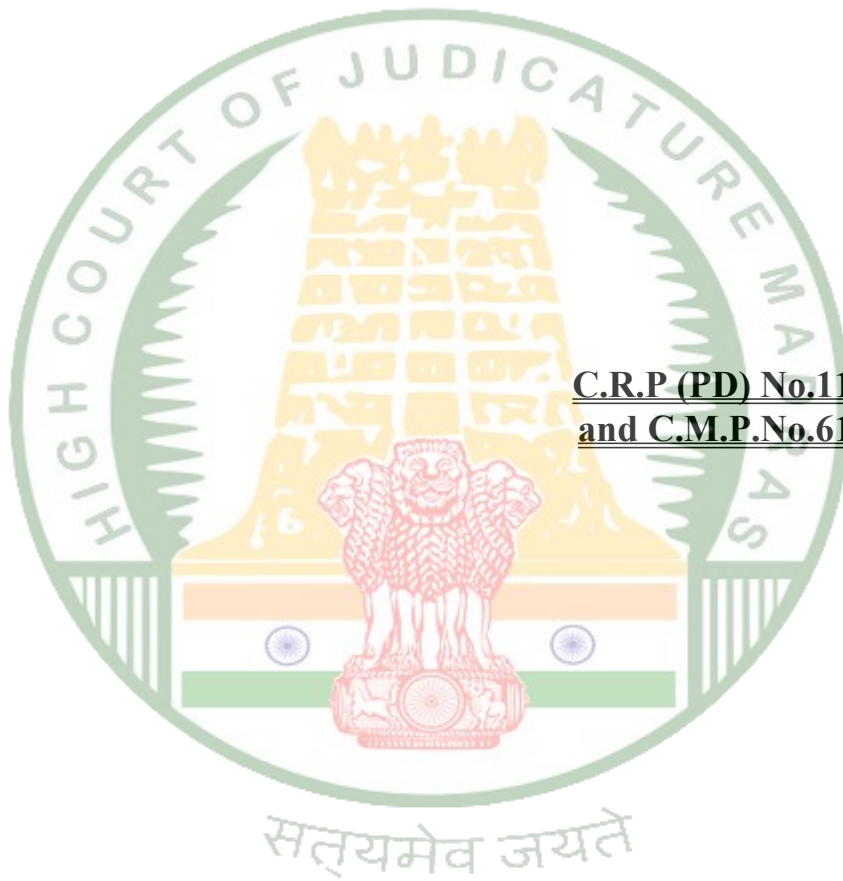


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M.GOVINDARAJ, J.

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