

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.Nos.4010 and 4013 of 2018
and
C.M.P.No.22196 of 2018

1.N.Murugesan
2.Kanniyappan
3.Annamalai
4.Shanmugam
5.Ashokan
6.Sudhakar
7.Sathish
8.Ramesh
9.Adikesavan

... Petitioners in both the C.R.Ps

Vs.

1.C.Murugesan
2.Arumugam
3.Palani
4.Jayaraman

... Respondents in both the C.R.Ps

PRAYER in C.R.P.No.4010 of 2018: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the common fair and decreetal order dated 07.11.2017 passed in I.A.No.995 of 2017 in O.S.No.375 of 2012 by the Principal District Munsif Court, Vellore.

PRAYER in C.R.P.No.4013 of 2018: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the common fair and decreetal order dated 07.11.2017 passed in I.A.No.996 of 2017 in O.S.No.375 of 2012 by the Principal District Munsif Court, Vellore.

For Petitioners : Mr.R.Kamaraj in both the CRPs

For Respondents : Mr.G.Vinodh Kumar in both the CRPs

C O M M O N O R D E R

This matter is taken up for hearing through Video-Conferencing.

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2. The costs of Rs.15,000/- has been paid as per the order dated 04.11.2020. The delay in filing the application to set aside the exparte decree is condoned. The application to set aside the exparte decree in I.A.No.996 of 2017 was also dismissed by the trial court along with the application for condonation of delay. Now that the delay has been condoned. The I.A.No.996 of 2017 filed under Order IX Rule 13 of the Code of Civil Procedure stands restored. Instead of remitting the matter to the trial court and delaying the proceedings further, I am of the considered opinion that the said application could also be allowed and the exparte decree be set aside. The learned counsel appearing for the respondents also has no objection for such a course being adopted to shorten the litigation.

3. Hence, I.A.No.996 of 2017 is allowed and the exparte decree made in O.S.No.375 of 2012 is set aside. The trial court is directed to dispose of the suit within a period of six months from the date of resumption of the physical hearing in the court of Vellore and report the said disposal to this court.

4. The Civil Revision Petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dsa

To

The learned Principal District Munsif,
Vellore.

+1cc to Mr.R.Kamaraj, Advocate SR.39687
+1cc to Mr.G.Vinodhkumar, Advocate SR.39520

C.R.P.Nos.4010 and 4013 of 2018
and
C.M.P.No.22196 of 2018

AJB (CO)
CB(29/12/2020)

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