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C.R.P.No.801 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.(PD).No.801 of 2019

and

C.M.P.No.5266 of 2019

R.Rahakrishnan

... Petitioner

Versus

R.Jagannathan

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order dated 19.12.2018 passed in I.A.No.2733 of 2018 in O.S.No.4438 of 2005 on the file of the learned XVII Assistant Judge, City Civil Court, Chennai.

For Petitioner : No appearance

For Respondent : Mr.B.Manivannan

ORDER

The petitioner is challenging the order passed by the learned XVII Assistant Judge, City Civil Court, Chennai in I.A.No.2733 of 2018 in O.S.No.4438 of 2005, dated 19.12.2018.



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2. The learned counsel for the respondent appeared and submitted that the defendant has filed an application in I.A.No.2733 of 2018 in O.S.No.4438 of 2005, before the City Civil Court, Chennai, to set aside the ex-parte order dated 08.03.2006 and to condone the delay. In order to set aside the ex-parte decree, the said application was allowed with a direction to deposit Rs.3,000/- as costs. Aggrieved by the said order, the plaintiff has preferred this revision.

3. At the time of arguments, there was no representation for the petitioner. But as pointed out by the respondent's Counsel, he deposited the costs before the trial Court and he was having valid defence to contest the said case. The trial Court is a fact finding authority, and the defendant is entitled to put forth his remedy before the trial Court.

4. Accordingly, this Civil Revision Petition is dismissed as devoid of merits. Since the costs were already deposited, the defendant is directed to co-operate for conduct the said suit proceedings. Since the suit is of the year



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2005, the learned No.XVII Assistant City Civil Judge, Chennai is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

No costs.

28.10.2021

Index : Yes / No
Speaking Order: Yes/No

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To

- 1.The Assistant Judge No.XVII ,
City Civil Court, Chennai.
- 2.The Section Officer,
V.R.Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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