

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.No.794 of 2018

1.K.Munikumar
2.S.Siva

..Petitioners

Vs.

1.K.Kumaran
2.A.Jayaraj
3.P.Chandramohan
4.K.Arumugam
5.V.Ganesan
6.S.K.Subramanian
7.V.Ramar
8.Ramesh
9.Prakasam
10.N.Balasekar
11.A.Gopi
12.S.Chockalingam

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 25.10.2017 passed in IA.No.861 of 2017 in OS.No.32 of 2014 on the file of the District Munsif, Tiruvottriyur

For Petitioners : Mr.J.R.K.Bhavahantham

For Respondents : No appearance

ORDER

This Civil Revision Petition is filed against the fair and decretal order dated 25.10.2017 passed in IA.No.861 of 2017 in OS.No.32 of 2014 on the file of the District Munsif, Tiruvottriyur.

2. Though notice was served, no one appeared on behalf of the respondents before this Court in person or through pleader.

3. The petitioners are the plaintiffs and the respondents are the defendants. The petitioners filed suit for bare injunction as against the respondents. When the suit was posted for trial on 06.02.2017, the petitioners filed petition seeking adjournment. Accordingly it was allowed and adjourned the suit for trial on 24.02.2017. On that day, again the plaintiffs were called absent and the suit was dismissed for default. The petitioners filed petition to restore the suit with delay of 80 days in filing the petition to restore the suit. On perusal of the affidavit filed in support of the condone delay petition, revealed that due to heavy work for Kumbabishekam for the temple, the petitioners could not able to appear before the trial court for trial.

4. The learned counsel for the petitioners submitted that the first petitioner died, who is one of the trustee of the worshippers'

association and later the said association is represented by the second petitioner.

5. Considering the above, the petitioners may be given one more opportunity to pursue their suit. Accordingly, this civil revision petition is allowed and the order dated 25.10.2017 passed in IA.No.861 of 2017 in OS.No.32 of 2014 on the file of the District Munsif, Tiruvottriyur is set aside on condition that the petitioners shall jointly pay a sum of Rs.5,000/- (Rupees Five Thousand only) as costs directly to the respondents within a period of two weeks from the date of receipt of copy of this order, failing which the order passed by this Court shall stand automatically cancelled. After the payment, the trial court is directed to dispose of the suit within a period of twelve months from the date of receipt of copy of this order. No order as to costs.

सत्यमेव जयते

29.07.2021

Speaking/Non-speaking order

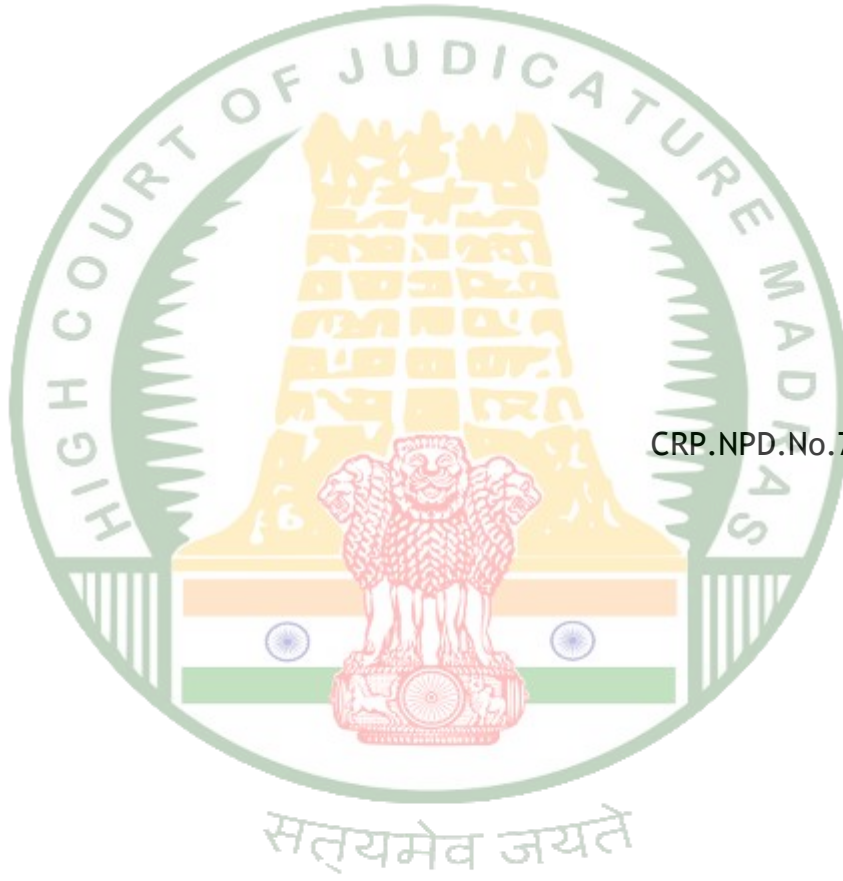
Index : Yes/No

Internet : Yes/No
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To
The District Munsif,
Tiruvottriyur

G.K.ILANTHIRAIYAN,J.

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