

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(PD) No.1820 of 2021

R.Dhanalakshmi

...Petitioner

Vs.

S.Neelakandan (deceased)

1.N.Vasantha

2.N.Vignesh

3.Priya

...Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the District Munsif, Poonamallee to dispose on merits the I.A.No.915 of 2018 in O.S.No.555 of 2015 as expeditiously as possible.

For Petitioner : Mr.A.Palaniappan

ORDER

This Civil Revision Petition is filed, to direct the District Munsif, Poonamallee to dispose of the I.A.No.915 of 2018 in O.S.No.555 of 2015 as expeditiously as possible.

2.The learned counsel for the petitioner submitted that a suit in O.S.No.555 of 2015 was filed by the plaintiff-S.Neelakandan for the relief of bare injunction, in respect of the suit property. The petitioner/defendant filed detailed written statement and also defending the suit. Trial has been commenced and the plaintiff has to be examined. Due to some unavoidable reasons, the petitioner could not be present before the trial Court for facilitating the cross examination. Therefore, the petitioner was set *exparte* and *exparte* decree was passed on 05.06.2018. Petitioner has filed I.A.No.915 of 2018 to condone the delay of 67 days in filing the petition to set aside the *exparte* decree. The said petition is kept pending without any progress. Taking advantage of the *exparte* decree, the respondents engaged hooligans to install pillars in front of the house, preventing free ingress and egress. In support of this claim, he produced copies of certain photographs.

3.Considering the fact that the petition to condone the delay of 67 days in filing the petition to set aside the *exparte* decree was filed in the year 2018 and it has been kept pending without any progress, this Court directs the learned District Munsif, Poonamallee to dispose of the I.A.No.915 of 2018 in O.S.No.555 of 2015 as expeditiously as possible preferably within a

period of six weeks from the date of receipt of a copy of this order, along with the petition filed to set aside the exparte decree, on merits and in accordance with law.

4.With the above direction, this Civil Revision Petition stands disposed of. No Costs.

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07.09.2021

Index:Yes/No

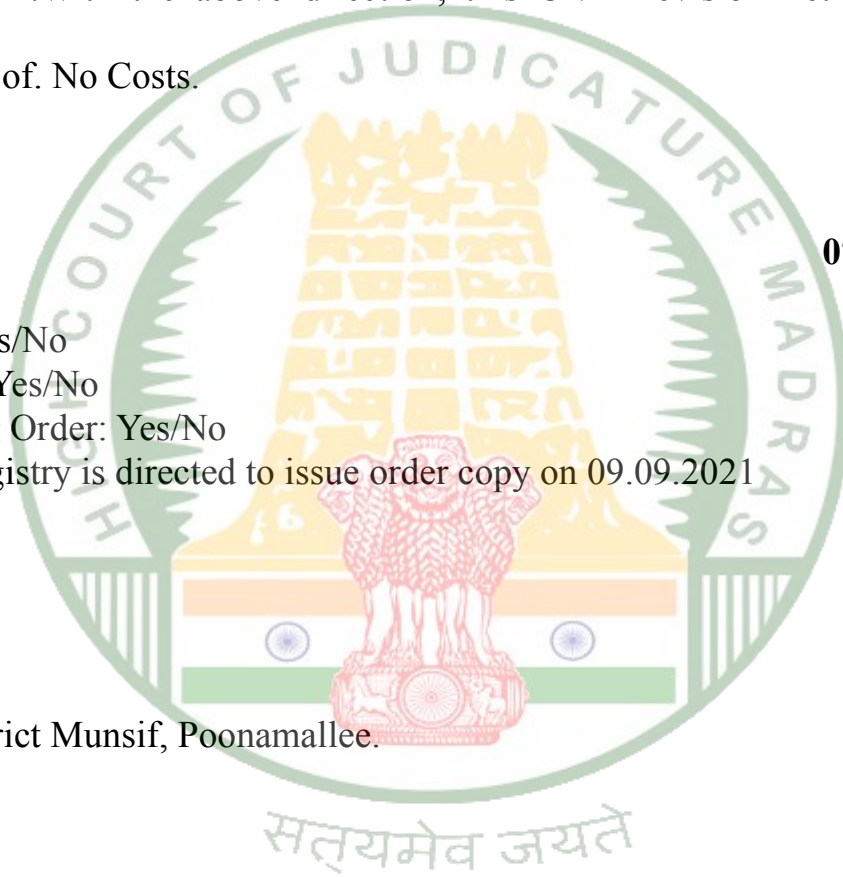
Internet:Yes/No

Speaking Order: Yes/No

Note:Registry is directed to issue order copy on 09.09.2021

To

The District Munsif, Poonamallee.



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G.CHANDRASEKHARAN.J,

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