

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.02.2021
CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
C.M.A.No. 2508 of 2019

1.Sornalatha
2.Umamaheswari

..Appellants

Vs

Somasundaram

..Respondent

Prayer : Appeal filed under Order 43 Rule 1 of CPC against the order and decreetal order in I.A.No.349 of 2018 in O.S.No.18 of 2013 on the file of Sessions (Fast Track Mahila), Judge, Namakkal, dated 05.01.2019.

For Appellants : Mr.V.Raghavachari
For Respondent : Mr.P.Valliappan

JUDGMENT

In view of the fact that C.R.P. No. 1821 of 2019 is allowed, the interlocutory application filed to set aside the exparte order is also to be set aside. The reason stated in the order impugned is that the appellants have not cooperated for the speedy disposal of the suit and remained absent in order to prolong and protract the suit. Thus, the trial Court made a finding that the appellants have not approached the Court with clean hands.

2. The suit was pending for a long time. However, this Court is of the opinion that one more opportunity may be given to the parties to adjudicate the issues on merits and in accordance with law.

3. This being the factum, the fair and decreetal order dated 05.01.2019 passed in I.A.No. 349 of 2018 in O.S.No. 18 of 2013 is set aside and the C.M.A.No. 2508 of 2019 stands allowed. No costs.

4. The trial Court is directed to dispose of the suit as expeditiously as possible and, preferably, within a period of ten months from the date of receipt of a copy of this judgment. The parties to the suit are directed not to seek adjournments on flimsy grounds. Even in the case of genuine reason, the Court is

bound to record the reasons. Thus, the parties to the suit must co-operate for early disposal to consider the issues and dispose of the suit.

Sd/-
Asst.Registrar (CS V)

/true copy/
Sub Asst. Registrar

ssm

To
The Sessions Judge,
Fast Track Mahila Court, Namakkal.

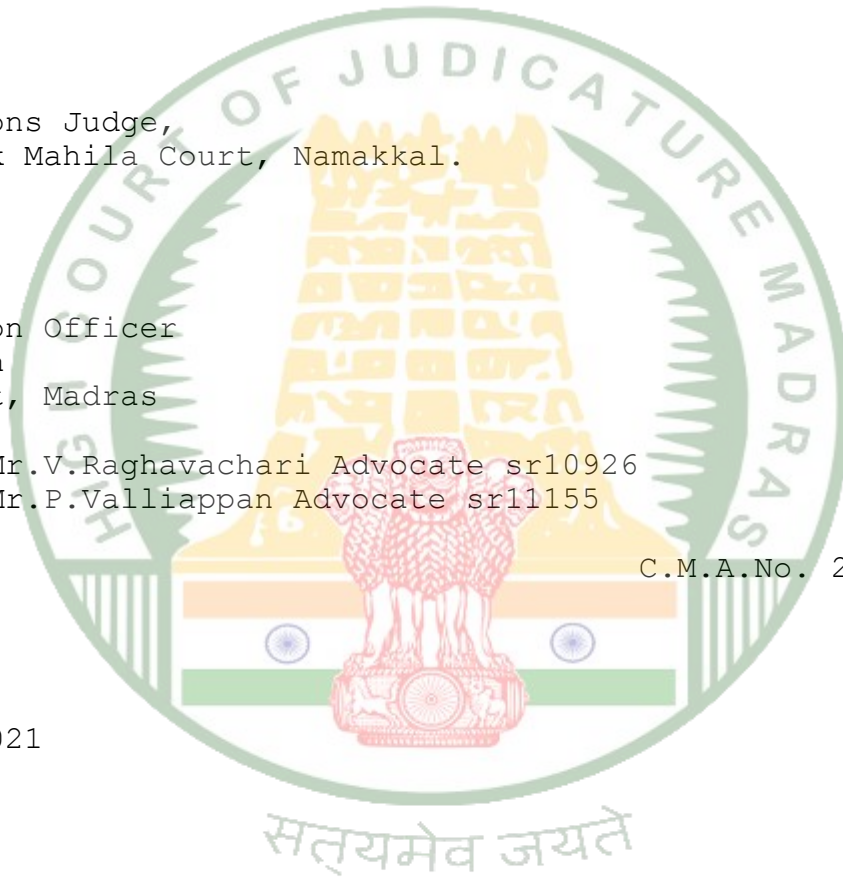
Copy to

The Section Officer
VR Section
High Court, Madras

+1 cc to Mr.V.Raghavachari Advocate sr10926
+1 cc to Mr.P.Valliappan Advocate sr11155

C.M.A.No. 2508 of 2019

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