



WEB COPY



C.R.P.(NPD).No.2432 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(NPD).No.2432 of 2021

and

C.M.P.No.18468 of 2021

1. Manjamuthu

2. Raju

.. Petitioners

Vs.

M.Rajendran

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal dated 01.03.2021 made in I.A.No.47 of 2019 in O.S.No.364 of 2010 on the file of the II Additional Subordinate Court, Salem.

For Petitioners : Mr.D.Shivakumaran



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ORDER

WEB COPY Challenge in this Revision is to the order of the trial Court condoning the delay of 1509 days in filing an application seeking to set aside the *ex parte* decree.

2. Heard Mr.D.Shivakumaran, learned counsel for the petitioners.

3. A perusal of the order of the trial Court shows that the learned counsel appearing for the respondents before the trial Court (petitioners herein) had infact given a concession and stated that the petition may be allowed on terms. Relying upon the said concession, the learned trial Judge allowed the application on condition that the petitioners therein pay a sum of Rs.1500/- as costs.

4. Mr.D.Shivakumaran, learned counsel for the petitioners would submit that their counsel never made such a concession.



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5. I do not think I can go into the question as to whether the counsel made such a concession or not in this Revision proceedings. As the record stands today, the learned trial Judge has observed that the counsel had in fact made such a concession. If the counsel had not made such a concession, it is for the petitioners to move the trial Court seeking Review of the order.

6. Hence, the Revision is **dismissed** with liberty to the petitioners to seek review of the order before the Trial Court. No costs. Consequently, the connected miscellaneous petition is closed.

17.11.2021

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Index : No

Internet : Yes

Speaking order

To

II Additional Subordinate Court,
Salem.

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R.SUBRAMANIAN, J.

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