



WEB COPY



C.R.P. (PD) No. 2288 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2021

CORAM:

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

C.R.P.(PD).No.2288 of 2017
and C.M.P.No.10778 of 2017

1.M.Raji

2.Govindarajan

3.Kannaki

4.Govindammal

...Petitioners

Versus

1.M.Thangavel

2.Ponkali Ammal

...Respondents

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and final orders dated 14.09.2016 passed in I.A.No.321 of 2016 in I.A.No.255 of 2016 in O.S.No.198 of 2008 on the file of the Principal Sub-Court, Salem.

For Petitioners : Mr.R.Nalliyappan

For R1 : Mr.N.P.Jaya Prakash

For R2 : No Appearance



C.R.P. (PD) No. 2288 of 2017

ORDER

WEB COPY This Civil Revision Petition has been filed against the fair and final orders dated 14.09.2016 passed in I.A.No.321 of 2016 in I.A.No.255 of 2016 in O.S.No.198 of 2008 on the file of the Principal Sub-Court, Salem.

2. Heard the learned counsel for the petitioners and there is no representation on behalf of the 2nd respondent even today despite sufficient time given. Hence, this Court is inclined to pass orders on merits.

3. The petitioners are the defendants in the suit. The respondents herein have filed a suit in O.S.No.198 of 2008 on the file of the Principal Sub-Court, Salem, for specific performance. While the case is pending, the petitioners filed I.A.No.255 of 2016, to compare the thumb impression of the petitioners herein contained in Ex.A1 to send the same to the experts opinion and the same was allowed and posted the matter on 25.07.2016 for the appearance of petitioner and to obtain his thumb impression. The learned counsel would further submit that on 25.07.2016 the petitioner could not appear before the Court due to severe fever. It is further submitted that on the particular day there was boycott by advocate throughout Tamil Nadu and the trial Court closed the petition. It is further submitted that the petitioners herein have filed the petition in



C.R.P. (PD) No.2288 of 2017

I.A.No.321 of 2016, to re-open the I.A.No.255 of 2016 but the same was dismissed. The learned counsel would submit that a time frame may be fixed to get the thumb impression and to proceed with the case, otherwise the petitioners will be put to much hardship and in order to prove the petitioners case, this petition is to be allowed in the interest of the justice.

5.In view of the submissions made by the learned counsel and considering the valid reason for non appearance of the petitioner on 25.07.2016, this Court is inclined to allow this petition. The trial Court is directed to provide an opportunity to the petitioners to get the thumb impression and send the same for experts opinion and dispose the case on merits as expeditiously as possible.

6.Accordingly this Civil Revision Petition is Allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

21.12.2021

gbi

Index: Yes/ No

Speaking Order / Non-Speaking Order

To

The Principal Sub-Judge,
Salem.



WEB COPY



C.R.P. (PD) No. 2288 of 2017

S.KANNAMMAL, J.,

gbi

C.R.P.(PD)No.2288 of 2017

21.12.2021