

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

C.R.P (PD).No.3436 of 2018
and CMP.No.19295 of 2018

P.Ramakrishnan

... Petitioner/Defendant

Versus

Lakshmi

... Respondent/Plaintiff

Civil Revision Petition filed under Article 227 of the Constitution of India pleased, to set aside the fair and final order dated 22.06.2018 passed in I.A.No.692 of 2017 in O.S.No.234 of 2015 on the file of the Principal Sub Court at Salem and to allow the above Civil Revision Petition.

For Petitioner : Mr.Nalliyappan

* * * *

ORDER

This Civil Revision Petition has been filed by challenging the order dated 22.06.2018 passed in I.A.No.692 of 2017 in O.S.No.234 of 2015 on the file of the Principal Sub Court at Salem and to allow the above Civil Revision

Petition

2.Heard the learned counsel for the petitioner and the respondent.

3.The petitioner herein is the defendant in the suit for recovery of money. According to the petitioner the suit was posted for cross-examination of PW1 on 17.07.2017. The petitioner's previous counsel not intimated the above said proceedings to the petitioner. Neither the petitioner nor his counsel present on 17.07.2017. Due to the non appearance of the petitioner, the suit was set ex-parte on 10.08.2017.

4.The petitioner came to know all the above said facts through some other counsel. Immediately, the petitioner herein obtained a change of vakalat from his previous counsel and on 23.08.2017, within the period of limitation, the petitioner had filed an application in I.A.No.692 of 2017 to set-aside the ex-parte decree passed on 10.08.2017. While passing the final order, the Court below has directed the revision petitioner to deposit half of the suit amount on or before 12.07.2018.

5.The learned counsel appearing for the petitioner submitted that he has filed the written statement denying his entire liability. The lower court erred in allowing the application by considering the endorsement made by the

respondent which is not sustainable under law. He also seeks some more time to deposit the above said half of the suit amount and an appropriate direction may be issued to the Court below to dispose of the suit at the earliest.

6.The learned counsel for the respondent fairly submitted that three months time may be given to dispose of the entire suit and stipulated time may be given to deposit half of the suit amount as directed by the Court below vide Order dated 22.06.2018.

7.In view of the above submissions, this Court is inclined to pass the following orders:

i) The petitioner is directed to deposit half of the suit amount as directed by the Court below, within a period of three months from the date of receipt of a copy of this order;

ii) The petitioner is also directed to complete the cross-examination of PW1, within a period of two weeks from the first hearing after the receipt of the copy of this order; and

iii) The Court below is directed to dispose of the suit, within a period of six months from the date of receipt of a copy of this order.

9.This Civil Revision Petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

06.01.2021

Index: Yes/No
Internet: Yes/No
Speaking Order/Non Speaking Order

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To

The Principal Subordinate Judge,
Principal Subordinate Court,
Salem.



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KRISHNAN RAMASAMY, J.,
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