

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRP (NPD).No.4355 of 2018

Latha

... Petitioner

Vs.

1. Lakshmi Narayana Chettiyar
2. Muruganantham
3. Shanmugam

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the fair order and decretal order dated 18.06.2018 in I.A.No.540 of 2016 in I.A.No.504 of 2015 in O.S.No.101 of 2012 on the file of the Principal Subordinate Judge, Vridhachalam, Cuddalore District and allow the present Civil Revision Petition.

For Petitioner : Mr.AL.Ganthimathi

For Respondents : Mr.D.Balachandran (for R-1 & R-2)
M/s.D.Malarvizhi (for R-3)

ORDER

This Civil Revision Petition is filed as against the fair and decretal order passed in I.A.No.540 of 2016 in I.A.No.504 of 2015 in O.S.No.101 of 2012 dated 18.06.2018 on the file of the learned Principal Subordinate Judge, Vridhachalam, Cuddalore District, thereby dismissing the petition to condone the delay of 3 days in filing the application to restore the suit.

2. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed a suit for declaration and injunction in respect of the suit property. While pending the suit, the petitioner was failed to appear before the Court below and as such, the suit was dismissed for default on 22.09.2015. The petitioner filed a petition to restore the suit with a delay of 3 days. The said condone delay petition was dismissed for the reason that the petitioner failed to state sufficient cause for the said delay so as enable the Court below to appreciate the present petition. Considering the number of days delay, the petitioner may be given one more opportunity to pursue the suit.

3. In view of the above discussion, this Civil Revision Petition is allowed and the order passed in I.A.No.540 of 2016 in I.A.No.504 of 2015 in O.S.No.101 of 2012 dated 18.06.2018 is hereby set aside. The Court below is directed to pass orders in the restoration petition on merits and in accordance with law. No costs.

30.07.2021

Speaking/Non-speaking order

Index : Yes/No

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To

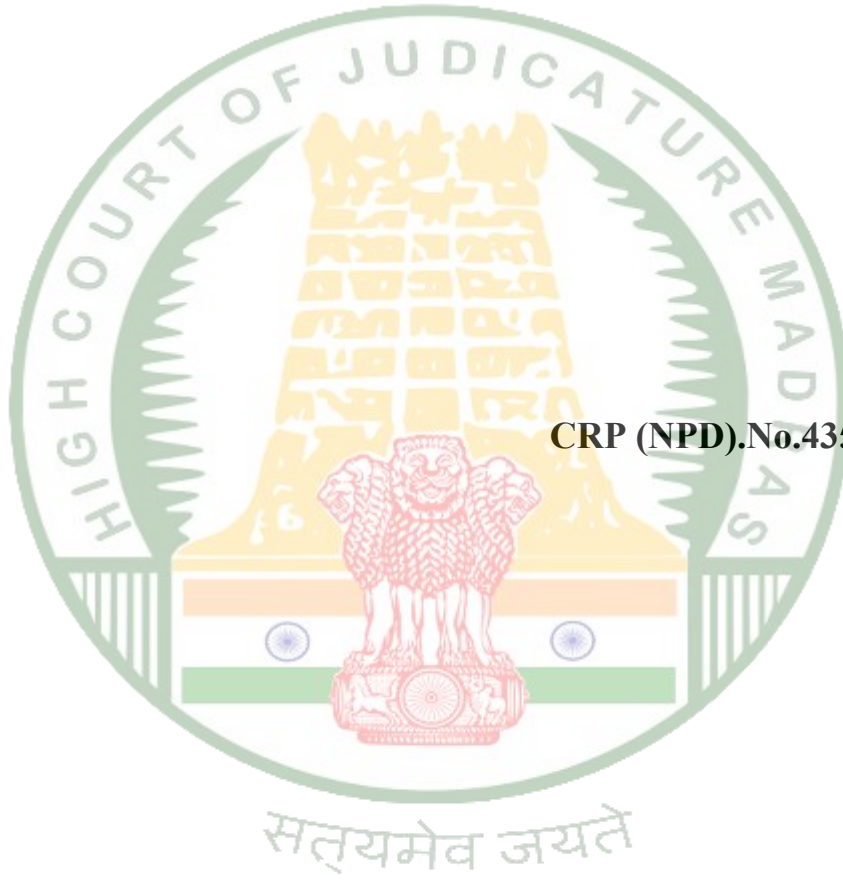
1. The Principal Subordinate Judge,
Vridhachalam, Cuddalore District.
2. The Section Officer,
V.R. Section, High Court of Madras.

सत्यमेव जयते

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G.K.ILANTHIRAIYAN,J.

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