



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2021

CORAM

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

C.R.P.(MD)No.1166 of 2020

and C.M.P.(MD)No.7435 of 2020

WEB COPY

T.R.Thirumalairaj

... Petitioner

Vs.

1.Manikavasagar

2.Nadesh Kumar

3.T.R.Rajagopal

4.T.R.Murugesan

5.T.R.Mathavan

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the condition of payment of Rs.10,000/- (Rupees Ten Thousand Only) imposed in fair and decreetal order passed in C.M.A.No.4 of 2015 on the file of the learned Subordinate Judge, Uthamapalayam dated 02.03.2020.

For Petitioner

: Mr.M.Padmavathy

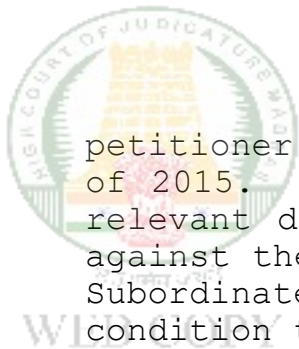
ORDER

This civil revision petition has been filed to set aside the condition payment of Rs.10,000/- (Rupees Ten Thousand Only) imposed in fair and decreetal order passed in C.M.A.No.4 of 2015 on the file of the learned Subordinate Judge, Uthamapalayam dated 02.03.2020.

2.The petitioner herein is the third defendant in O.S.No.52 of 2005. The said suit was filed for permanent injunction as against the defendants. An exparte order came to passed as against the petitioner herein on 12.12.2014 and as against the same the petitioner herein filed an Interlocutory Application in I.A.No.175 of 2015. Though the petitioner explained his case that his wife was hospitalized and therefore, he was not able to appear, the Court below dismissed the above said application. As against the same, the petitioner filed C.M.A.No.4 of 2015 before the Subordinate Judge, Uthamapalayam and the same was allowed on condition to pay Rs.10,000/- to the respondent/plaintiff. As against the said conditional order, the present civil revision petition has been filed.

3.Heard the learned counsel appearing for the petitioner. In view of the order going to be passed, notice to the respondents is not necessary.

4.Admittedly, an exparte order came to passed as against the petitioner herein on 12.12.2014 and as against the same the



petitioner herein filed an Interlocutory Application in I.A.No.175 of 2015. The Court below dismissed the same on the ground that no relevant documents has been produced for the non appearance and as against the same, the petitioner filed C.M.A.No.4 of 2015 before the Subordinate Judge, Uthamapalayam and the same was allowed on condition to pay Rs.10,000/- to the respondent/plaintiff.

5.Considering the facts and circumstances of the case, this Court is inclined to modify the conditional order. Accordingly, the petitioner is directed to pay Rs.5,000/- to the respondent/plaintiff, within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy,shall be the responsibility of the advocate/litigant concerned.

To

The Subordinate Judge, Uthamapalayam.

C.R.P. (MD)No.1166 of 2020
05.01.2021

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