



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2021

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P(NPD) (MD)No.887 of 2020
and C.M.P. (MD)No.5845 of 2020

1.Amutha
2.Prakash

... Petitioners/Respondents/
Respondents/Defendants

vs.

1.Krishnammal
2.Pattammal

...Respondent/Petitioners/
Petitioners/Plaintiffs

PRAYER: Petition filed under Articles 227 of Constitution of India, to set aside the fair and executable order dated 23.09.2020, made in I.A.No.1 of 2019 in I.A.No.72 of 2017 in O.S.No.152 of 2011 on the file of District Munsif Court, Andipatti.

For Petitioners : Mrs.M.Anbarasi
For Respondents : No appearance

O R D E R

The Civil Revision Petition has been filed to set aside the fair and executable order, dated 23.09.2020, in I.A.No.1 of 2019 in I.A.No.72 of 2017 in O.S.No.152 of 2011 passed by the learned District Munsif, Andipatti.

2. The revision petitioners herein are defendants and the respondents herein are plaintiffs in the suit in O.S.No.152 of 2011. The respondents herein/plaintiffs have filed the aforesaid suit for permanent injunction on the file of the District Munsif Court, Andipatti and the same was dismissed for default on 09.09.2016. The respondents herein/plaintiffs have filed a petition in I.A.No.72 of 2017 to condone the delay of 157 days in filing restore petition. Since the respondents/plaintiffs have not paid Batta for R-2 the restoration petition was also dismissed for default. Again, the respondents herein/plaintiffs have filed a petition in I.A.No.1 of 2019 in I.A.No.72 of 2017 in O.S.No.152 of 2011 under Section 5 of Limitation Act and the same was allowed on 23.09.2020. Aggrieved over the same, the revision petitioner/defendants are before this Court.



3. Heard the learned Counsel for the petitioners and perused the materials available on record. No representation on the side of the respondents.

4. It is seen from the records that already the suit in O.S.No.152 of 2011 was restored on the file of the learned District Munsif, Andipatti. No prejudice would be caused to the revision petitioners, if this Court directs the learned District Munsif, Andipatti to dispose of the suit in O.S.No.152 of 2011, within a period stipulated by this Court.

5. In view of the above, the learned District Munsif, Andipatti is directed to dispose of the suit in O.S.No.152 of 2011, on merits and in accordance with law, within the period of four months, from the date of receipt of a copy of this order.

6. Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ksa

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

1) The District Munsif, Andipatti.

2) The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai(2 copies)

copy to

The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.SELVANAYAGAM, Advocate SR-32884[F] dated 27/10/2021

C.R.P (NPD) (MD) No.887 of 2020

26.10.2021

DKS (CO)

TR(29.11.2021) 2P 6C

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