



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2021

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P (MD) No.1744 of 2021

and

C.M.P (MD) No.9299 of 2021

Athisayarani

... Petitioner / Petitioner/
Defendant

Vs.

Gnanadurai

... Respondent/Respondent/
Plaintiff

PRAYER:- Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, to set aside fair and decretal order dated 14.09.2021 passed in I.A.No.93 of 2021 in O.S.No.96 of 2013 on the file of Subordinate Court, Tiruchendur and allow the present Civil Revision Petition.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.G.Prabhu Rajadurai

ORDER

The defendant is the revision petitioner before this Court challenging the dismissal of his application in I.A.No.93 of 2021 in O.S.No.96 of 2013 filed for condoning the delay of 77 days in filing the petition to set aside the *ex parte* decree passed against him in the main suit on 18.07.2016.

2.The respondent/plaintiff who is represented by the learned counsel has no objection to the delay being condoned. The learned counsel would submit that the suit has been filed as early as in the year 2013 and therefore, a direction may be issued to the learned Subordinate Judge, Tiruchendur, to dispose of the suit at the earliest.



3.Considering the no objection given by the learned counsel for the respondent, this Civil Revision Petition is allowed and the delay of 77 days in filing the petition to set aside the *ex parte* decree is allowed. The learned Subordinate Judge, Tiruchendur, shall number the petition for setting aside the *ex parte* decree within a period of one week from the date of receipt of a copy of this order and shall allow the application and thereafter, considering the fact that the written statement is already on file, the learned Subordinate Judge, Tiruchendur, shall endeavour to dispose of the suit in O.S.No.96 of 2013 within a period of two months from the date on which the *ex parte* order is set aside. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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,
Tiruchendur.

+1 CC to M/s.R.J. KARTHICK, Advocate (SR-34887[F] dated 17/11/2021)

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-34823[F] dated 17/11/2021)

C.R.P (MD) No.1744 of 2021
16.11.2021

RK(30/11/2021) 2P 4C