



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (PD) (MD) Nos.689 & 690 of 2017

WEB COPY

1.Abdul Rahman
2.Sabeel Rahman
3.Sashiyad Rahman

.. Petitioners/Petitioners/
Respondents/Defendants 1 to 3
In both CRPs

-vs-

1.Soundirarajan
2.Annathruai

.. Respondents/Respondents/
Petitioners/Plaintiffs
in both CRPs

Prayer :- Petitions filed under Article 227 of the Constitution of India to direct the lower court to number the delay condonation petitions in I.A.Diary Nos.594 and 674 of 2017 in I.A.No.51 of 2015 in O.S.No.7 of 2015 on the file of the District Munsif Court, Aranthangi and dispose the same within a time frame fixed by this Court.

For Petitioners : Mr.P.Vinoth
(In both CRPs) for Mr.M.Saravanan

For Respondents : Mr.R.Prasanna
(In both CRPs)

COMMON ORDER

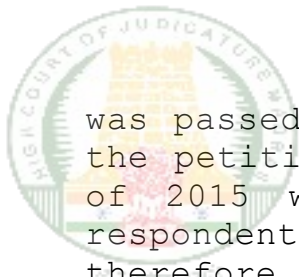
Defendants 1 to 3 have filed the above revisions challenging the returns being made by the learned District Munsif, Aranthangi in I.A.Nos.594 and 674 of 2017 in I.A.No.51 of 2015 in O.S.No.7 of 2015.

2. I.A.No.594 of 2017 is filed to condone the delay of 53 days in filing the petition to set aside the ex-parte order dated 01.11.2016 in I.A.No.51 of 2015.

2.1. I.A.No.674 of 2017 is filed to set aside the ex-parte order dated 01.11.2016 invoking the provisions of Order 9 Rule 13.

3. Perusal of the records would show that both the applications were returned by the learned District Munsif, Aranthangi, on 09.01.2017 stating as to how the applications were

<https://hcmca.cemil.reservices.in>



was passed on merits. The said applications were re-presented by the petitioners on 30.01.2017 stating that the order in I.A.No.51 of 2015 was an ex-parte order and the petitioners, who were respondents therein, have been set ex-parte on 01.11.2016 and therefore, the order was an ex-parte order. Despite the clarification, the applications were being returned and finally on 14.02.2017, the learned Judge has returned the applications on the very same ground. Aggrieved by the frequent returns, the petitioners are before this Court.

4. Heard the learned counsel on both sides and perused the order passed in I.A.No.51 of 2015 in O.S.No.7 of 2015 passed by the learned District Munsif, Aranthangi.

5. The learned District Munsif, Aranthangi has observed that the respondents therein had not filed any counter and the docket entry on 01.11.2016 would clearly show that it was only the arguments of the petitioners therein, which were heard and therefore, the petitioners herein would contend that the order is an ex-parte order and that the application filed to condone the delay in filing the petition to set aside the ex-parte order as also the application to set aside the ex-parte order have to be numbered, since the returns made by the learned Judge are contrary to the records.

6. The docket order dated 01.11.2016, indicates that the petitioners herein have not been heard and neither they have filed their counter. In these circumstances, these Civil Revision Petitions are allowed and the petitioners are directed to re-present the papers with necessary compliance and on such representation, the learned District Munsif, Aranthangi, shall number the applications and thereafter, pass orders after hearing both sides. No costs.

7. Registry is directed to return the two original applications to the learned counsel for the petitioners after receiving due acknowledgement.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

abr



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 District Munsif, Aranthangi.

Copy to

The Section Officer, E.R.Section,
Madurai Bench of Madras High Court,
Madurai.

(To return the original applications)

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-37741[F] dated
08/12/2021)

**C.R.P. (PD) (MD) Nos.689 & 690 of 2017
07.12.2021**

KM(CO)
SB(30.12.2021) 3P 4C