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C.R.P(NPD)No.1361 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

C.R.P(NPD)No.1361 of 2022
& CMP.No.7180 of 2022

S.Gopi

... Petitioner

Vs.

1.P.Manogaran
2.Gowrammal
3.Logeshwari
4.Bharathi

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.8 of 2021 in O.S.No.88 of 2020 dated 25-03-2022 by the learned Additional District Judge, Krishnagiri, and to allow the above revision petition.

For Petitioner : Mr.S.Vinoth Kumar

ORDER

At the stroke of trial of O.S.No.88 of 2020, when the suit was posted for the evidence of the plaintiff, he absented himself and consequently, the suit came



to be dismissed. The day was 10.11.2021, and the plaintiff in his Application for restoration of the suit Vide I.A.No.8 of 2021 alleges that it was raining cats and dogs on that day. He appeared and sought time. However, the suit came to be dismissed. The plaintiff in his affidavit has alleged that it is because of heavy rains that he could not prepare the affidavit of chief examination and hence, sought restoration of the suit on the grounds stated. He also spiced his affidavit with certain allegations against the Presiding Officer alleging that the fourth defendant in the suit is an Advocate and hence, he was not able to get justice from the Court. The fourth defendant/revision petitioner is promptly before this Court in this Revision as his name was unnecessarily dragged in by the first respondent/plaintiff.

2.Heard the learned counsel for the fourth defendant/revision petitioner.

3.The learned counsel for the revision petitioner submitted that it might be that the fourth defendant/revision petitioner is an Advocate by profession, but that does not *if so facto* imply that the plaintiff can malign the integrity of both the learned Judge as well as the revision petitioner.



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4.This Court does not want to get into this angle of the dispute, for it is ancillary to the core issue, and cannot form the fulcrum of the issue involved, namely whether the suit should be restored. The plaintiff definitely has a straight forward case, since even Google reports that it was raining badly in Krishnagiri on 10.11.2021 and hence, he could have easily sought restoration of the suit. However, he adding unnecessary spices and dragging the name of the Presiding Officer is unfortunate, but then this litigant belongs to the times when the society is slipping towards irresponsibility which is prone to make statements such as the one the present plaintiff has made.

5.Turning to the merit, this Court does not find any error or illegality in the order passed by the trial Court in restoring the suit to its file.

6.Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.



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7.The Additional District Court, Krishnagiri it directed to dispose of the suit within a period of four (4) months, at any rate, not later than September, 2022.

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Index : Yes/No
Internet : Yes / No
Speaking /Non Speaking

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To

The Additional District Judge,

Krishnagiri.



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N.SESHASAYEE, J.,

Tsg

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