



C.R.P(PD).No.1818 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1818 of 2022
and C.M.P.No.9273 of 2022

Vignesh

... Petitioner

..Vs..

1.K.Poyyamozhi
2.P.Nandhini

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the decretal order dated 17.12.2021 in I.A.No.3 of 2020 in O.S.No.19 of 2019 on the file of the Additional District Judge (FTC) Vellore.

For Petitioner : Mrs.A.L.Gandhimathi

ORDER

This Civil Revision Petition has been preferred, challenging the order of the learned Additional District Judge, (FTC), Vellore, dated 17.12.2021 made in I.A.No.3 of 2020 in O.S.No.19 of 2019.



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2.The revision petitioner is the plaintiff in the suit and the suit has been filed for the relief of specific performance and the exparte decree was passed on 21.01.2020 and thereafter, the respondents/ defendants have filed a petition in I.A.No.3 of 2020, for setting aside the ex-parte decree and the same was allowed. Aggrieved over the said order, the revision petitioner has preferred this revision.

3.The learned counsel for the petitioner submitted that even after filing a petition to set aside the ex-parte decree, the respondents were not vigilant enough to comply the written remarks and re-presented it to the Court in time. It is further submitted that even the order of the learned trial Judge would show that the petition was re-presented after the delay of 201 days and that would only show the delay making tactics of the respondents.

4.On a perusal of the impugned order of the learned trial Judge, it is seen that observations were made about the delay caused by the



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respondents in re-presenting the petition. However, a liberal view is taken in the interest of justice and to give an opportunity to the parties to contest the case on merits. Under such circumstances, I feel that the interest of justice will be served, if the learned trial Judge disposes of the suit as expeditiously as possible.

5.Hence, this Civil Revision Petition is disposed of and the learned trial Judge is directed to dispose of the suit in O.S.No.19 of 2019, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is also closed.

15.06.2022

vkr

Index:Yes No

Speaking Order:Yes/No

To

1.The Additional District Judge, (FTC)
Vellore.

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R.N.MANJULA,J.

vkf

2.The Section Officer,
VR Section, Madras High Court,
Chennai.

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