



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD) No. 627 of 2022

and

C.M.P. (MD) No. 2661 of 2022

Latha @ Pushpalatha ...Petitioner/Petitioner/D-1

Vs.

1.A.Chellan ...R-1/R-1/Plaintiff
2.A.Arun
3.A.Ajay ...R-2 & R-3/R-2 & R-3/D-2 & D-3

PRAYER: Civil Revision Petition under Section 115 of Civil Procedure Code, to call for the records relating to fair and decreetal order passed in I.A.No.2 of 2019 in O.S.No.14 of 2012 by the learned Principal District Judge, Kanyakumari at Nagercoil, dated 01.06.2021 and set aside the same.

For Petitioner :Mr.B.Brijesh Kishore
For Respondents :Mr.M.Ashok Padmaraj

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order, dated 01.06.2021 in I.A.No.2 of 2019 in O.S.No.14 of 2012 passed by the learned Principal District Judge, Kanyakumari at Nagercoil.

2.The parties are referred to as per the rank mentioned before the Court below.

3.The 1st defendant has filed a petition in I.A.No.2 of 2019 in O.S. No.14 of 2012 on the file of the learned Principal District Judge, Kanyakumari at Nagercoil, under Section 5 of Limitation Act, to condone the delay of 240 days in filing the petition to set aside the exparte decree, dated 01.03.2019. The said petition was dismissed with Costs. Aggrieved over the same, the petitioner is before this Court.

4.Heard on either side and perused the material documents available on record.



5. The petition in I.A.No.2 of 2019 in O.S.No.14 of 2012 was dismissed by the learned Principal District Judge, Kanyakumari at Nagercoil, on the ground that the reasons stated in the petition is not proved by the petitioner through documents.

WEB COPY

6. On perusal of case status, dated 09.02.2019, the 1st defendant has agreed to pay a sum of Rs.38 Lakhs [Rupees Thirty Eight Lakhs Only] with 9% interest from the date of agreement.

7. In view of the foregoing reasons, this Civil Revision Petition is allowed on condition that the petitioner is directed to deposit a sum of Rs.30 Lakhs [Rupees Thirty Lakhs Only] to the credit of the suit in O.S. No.14 of 2012, within a period of 30-days from the date of receipt of the copy of order. If the petitioner failed to deposit the said sum, this Civil Revision Petition shall stands dismissed automatically. Since the suit is of the year 2012, the learned Principal District Judge, Kanyakumari at Nagercoil, is directed to dispose the suit in O.S.No.14 of 2012, within a period of three months from the date of receipt of copy of the order. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ksa

To
The Principal District Court,
Kanyakumari at Nagercoil.

+1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-15118[F] dated 29/03/2022)

+1 CC to M/s.M.ASHOK PADMARAJ, Advocate (SR-15120[F] dated 29/03/2022)

Order made in
C.R.P. (MD) No. 627 of 2022
29.03.2022

sj (CO)
TR(30.03.2022) 2P 4C