



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 849 of 2022

Janaki

.. Petitioner /Petitioner/
Plaintiff

Vs.

1.P.Chellappan Nadar

2.C.Murugan

.. Respondents/Respondents/
Defendants

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records relating to the fair and decreetal order passed in I.A.No.1 of 2019 in O.S.No.273 of 2013, dated 08.10.2021 on the file of the Principal Subordinate Judge, Nagercoil at Kanyakumari District.

For Petitioner : Mr.G. Thalaimutharasu

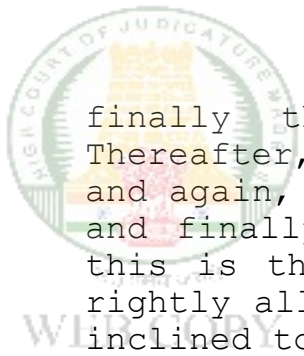
ORDER

The revision petitioner / plaintiff has filed this revision to set aside the order, dated 08.10.2021 passed in I.A.No.1 of 2019 in O.S.No.273 of 2013 on the file of the Principal Subordinate Judge, Nagercoil at Kanyakumari District.

2. Heard the learned counsel appearing for the petitioner. Since no adverse order passed against the respondent, notice to the respondents is not necessary.

3. The said Interlocutory Application in I.A.No.1 of 2019 in O.S.No.273 of 2013 filed by the revision petitioner / plaintiff under 9 Rule 9 CPC and Section 151 CPC to restore the suit, which was dismissed for default on 06.11.2017. Thereafter, the petitioner has filed a petition to restore the suit and the same was allowed on payment of cost of Rs.5,000/-. Aggrieved over the same, the present revision is filed.

4. The reason for non appearance of the revision petitioner is non availability of leave. The case was posted for trial from 2014. But, the petitioner has failed to produce the witnesses upto 10.11.2014 and thereafter, the case was adjourned time to time and



finally the case was dismissed for default on 06.11.2017. Thereafter, the plaintiff has filed a petition to restore the suit and again, the plaintiff has dragged on the proceedings successfully and finally the application was allowed on payment of cost. So, this is the second time to restore the suit, the trial Court has rightly allowed the petition with cost and hence, this Court is not inclined to interfere with the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed by confirming the order, dated 08.10.2021 passed in I.A.No.1 of 2019 in O.S.No.273 of 2013 on the file of the Principal Subordinate Judge, Nagercoil at Kanyakumari District. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The Principal Subordinate Judge,
Nagercoil at Kanyakumari District.

+1 CC to M/s.G. THALAIMUTHARASU, Advocate (SR-18743[F] dated 13/04/2022)

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RK(11/05/2022) 2P 3C