



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P(MD).No.774 of 2022

N.Vijayan

...Petitioner/Petitioner/1st Defendant

Vs.

K.Murugesan

...Respondent/Respondent/Plaintiff

PRAYER : This Civil Revision Petition is filed under Section 227 of the Constitution of India, for speedy disposal of the petition in I.A.No.403 of 2021 in O.S.No.4 of 2019 pending on the file of the learned District Munsif Cum Judicial Magistrate, Peraiyur, Madurai District.

For Petitioner : Mr.Babu Rajendran

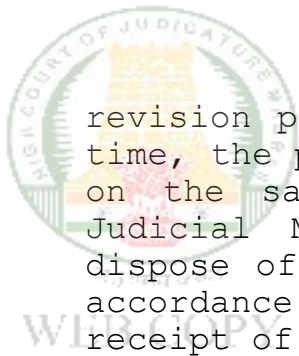
O R D E R

This Civil Revision Petition has been filed to dispose of I.A.No.403 of 2021 in O.S.No.4 of 2019 pending on the file of the learned District Munsif Cum Judicial Magistrate, Peraiyur, Madurai District.

2.The learned counsel for the petitioner submitted that the revision petitioner entered into a registered mortgage deed, dated 31.05.2004 in favour of Deivendra Kula Velalar Uravinmurai, who in turn entered into a made-over deed in favour of the first respondent on 18.08.2009. When the revision petitioner approached the respondent herein to redeem the property by paying the mortgage amount, the respondent restrained the petitioner and filed the suit in O.S.No.4 of 2019. The matter was posted on 22.12.2020 for appearance of the petitioner. Since the petitioner was working on the said date in Kerala, he could not appear before the Court below because of the pandemic. Hence, an ex-parte order was passed against the petitioner. To set aside the same, I.A.No.403 of 2021 was filed. Since the same was not disposed of, he filed this civil revision petition seeking its expeditious disposal.

3.Heard the learned counsel for the petitioner. Considering the nature of relief to be granted, issuance notice to the respondent is dispensed with.

4.On a perusal of the records, it is seen that I.A.No.403 of 2021 was filed to set aside the ex-parte order passed against the



revision petitioner. Since Covid-19 pandemic was in force at that time, the petitioner could not able to appear before the Court below on the said date. Therefore, the learned District Munsif Cum Judicial Magistrate, Peraiyur, Madurai District is directed to dispose of I.A.No.403 of 2021 in O.S.No.4 of 2019 on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.

5.With the above direction, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The District Munsif Cum Judicial Magistrate,
Peraiyur,
Madurai District.

+1 CC to M/s.BABU RAJENDRAN, Advocate (SR-16784[F] dated 06/04/2022)

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