



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.03.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P(MD).No.1659 of 2021

and

C.M.P(MD).No.8987 of 2021

Anandhan

...Petitioner / Plaintiff

Vs.

T.V.Murugesan

...Respondent / Defendant

**PRAYER** : This Civil Revision Petition is filed under Section 227 of the Constitution of India, to set aside the fair and Ex-order made in I.A.No.371 of 2018 in O.S.No.118 of 2010 dated 27.08.2021 on the file of the Sub Court, Uthamapalayam.

For Petitioner : Mr.P.R.Prithiviraj

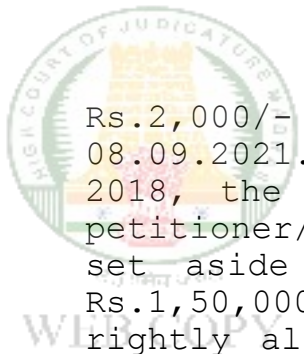
For Respondent : Mr.P.Santhosh Kumar

**O R D E R**

This Civil Revision Petition has been filed to set aside the fair and Ex-order made in I.A.No.371 of 2018 in O.S.No.118 of 2010, dated 27.08.2021 on the file of the Subordinate Court, Uthamapalayam.

2.I.A.No.371 of 2018 was filed by the respondent/defendant under Order 9, Rule 13 of CPC., to set aside the ex-parte decree passed on 11.03.2011, which was allowed by the learned Subordinate Judge, Uthamapalayam. Aggrieved by the said order, the revision petitioner/plaintiff has filed this Civil Revision Petition.

3.A perusal of the records would show that the respondent/defendant has already filed condone delay petition in I.A.No.312 of 2012 and the same was dismissed. Against which, he filed C.M.P(MD)No.2781 of 2017 in C.R.P(MD)SR.No.11086 of 2017, which was allowed on condition that the petitioner should deposit a sum of Rs.1,50,000/- (Rupees One lakh and fifty thousand only). The respondent/defendant has also deposited the said amount before the trial Court and on the basis of that the trial Court has taken the said I.A.No.371 of 2018 on file and the same was allowed on condition that the respondent/defendant should pay a sum of



Rs.2,000/- to the revision petitioner/plaintiff on or before 08.09.2021. As per order dated 27.08.2021 made in I.A.No.371 of 2018, the respondent/defendant has paid the same to the revision petitioner/plaintiff. Since already delay condonation petition was set aside and the respondent/defendant has deposited a sum of Rs.1,50,000/- ie. 90% of the suit amount, the trial Court has rightly allowed the said I.A.No.371 of 2018. This Court finds no valid reason to interfere with the order of the Court below.

4.In view of the above, this Civil Revision Petition is dismissed and the order, dated 27.08.2021 made in I.A.No.371 of 2018 in O.S.No.118 of 2010 passed by the learned Subordinate Judge, Uthamapalayam, is hereby confirmed. Since the suit is pending from the year 2010, the learned Subordinate Judge, Uthamapalayam is directed to dispose of O.S.No.118 of 2010 within a period of three months from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To

The Subordinate Judge,  
Uthamapalayam.

Copy to

The Registrar (Judicial),  
Madurai Bench of Madras High Court,  
Madurai.

C.R.P(MD) .No.1659 of 2021  
and  
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