



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2022

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P. (MD) .No.136 of 2017

Francis Mutharasan

...Petitioner/Petitioner/Plaintiff

Vs.

Ananthi

...Respondent/Respondent/Defendant

PRAYER: Civil Revision Case is filed under Section 115 of Code of Civil Procedure, as against the fair and decreetal order dated 14.09.2016 in I.A.No.474 of 2016 in O.S.No.512 of 2008 on the file of the Principal District Munsif Court, Dindigul.

For Petitioner : Mr.H.Lakshmi Shankar
For Respondent : No appearance

O R D E R

The petitioner is the plaintiff filed a suit in O.S.No.512 of 2008 before the Principal District Munsif Court, Dindigul against the respondent/defendant for specific performance. The suit was decreed on condition that the petitioner has to deposit a balance of sale consideration on or before 22.01.2015. Since the petitioner could not pay the balance of sale consideration as directed by the trial Court within a stipulated time, the petitioner filed an Interlocutory Application under Order 148 and Section 151 C.P.C to extend the time for paying the balance of sale consideration. The said petition was dismissed by the trial Court. Challenging the said order, now the petitioner is before this Court by way of this Civil Revision Petition.

2.The learned counsel for the petitioner would submit that the trial Court decreed the suit and also directed the petitioner/plaintiff to deposit the balance of sale consideration within the stipulated time on or before 22.01.2015. The balance of sale consideration is Rs.38,000/-. Since due to ill-health, the petitioner was hospitalized. Therefore, he could not comply with the order of the Court. Subsequently, the petitioner moved an application before the trial Court for extending the time to deposit the balance of sale consideration.



3.Heard the learned counsel for the petitioner and perused the materials available on record.

4.Though the learned counsel for the petitioner has given reason, he has not filed any document to substantiate his averment made in the affidavit. But, he stated that he has produced certain documents in this revision Court and he could not produce the same before the trial Court at the time of hearing the interlocutory application.

5.In view of the above submission, the order passed by the trial Court is set aside and the matter is remitted back to the trial Court for fresh hearing. The petitioner is at liberty to lead evidence by producing documents, if any. The trial Court is directed to give an opportunity to both the parties and dispose I.A.No.474 of 2016 on merits and in accordance with law.

6.With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

msa

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Principal District Munsif,
Dindigul.

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-1540[F] dated
12/01/2022)

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