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C.R.P.(PD)No.781 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2023

CORAM:

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

C.R.P.(PD)No.781 of 2023

and

C.M.P.No.5982 of 2023

Lambert Sandou

... Petitioner

Vs.

1.Manjula

2.Ferdinand Sandou

3.Benjamin Sandou

4.Meenambal

5.Sylvia

6.Sadjan Ashok Radj Kumar Sandou

...Respondents

PRAYER: Civil Revision Petition filed under Section 115 of C.P.C., against the order dated 03.01.2023 made in I.A.No.293 of 2022 in O.S.No.171 of 1997 on the file of the Additional Sub Judge, Puducherry.

For Petitioner : Mr.Giri Nagu Kumar

For Respondents : Mr.T.Sai Krishnan
for R1

R2 to R6 - Not ready in notice

ORDER

This Civil Revision Petition is filed, challenging the order allowing I.A.No.293 of 2022 in O.S.No.171 of 1997 dated 03.01.2023 filed under



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Order 9 Rule 13 of C.P.C.

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2. O.S.No.171 of 1997 was filed against the first respondent herein who was set ex-parte and, accordingly ex-parte decree was passed, on 03.02.2016. She filed an application to set aside the ex-parte decree and also filed I.A.No.426 of 2018 to condone delay in filing the application to set aside the said ex-parte. The said I.A.No.426 of 2018 was dismissed. Aggrieved by the same, the first respondent herein preferred C.R.P.No.408 of 2021 and same was allowed by this Court on 02.02.2022, thereby, the delay in filing the petition under Order 9 Rule 13, was condoned.

3. Later, Trial Court went on to allow I.A.No.293 of 2022 in O.S.No.171 of 1997, filed under Order 9 Rule 13 of C.P.C., by an order dated 03.01.2023. Aggrieved by the same, the petitioner / plaintiff has approached this Court. During the course of submission, learned counsel for the petitioner herein / plaintiff fairly submitted that, subsequent to setting aside the ex-parte decree, the respondent / defendant has filed two more petitions and causing delay in disposal of the case.



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4. Considering the submissions made by the learned counsel for the petitioner, this petition is disposed of directing the learned Additional Sub Judge, Puducherry, to expedite the Trial and dispose of O.S.No.171 of 1997 as expeditiously as possible but not later than four months from the date of receipt of a copy of this order. Both parties are directed to co-operate with the trial.

5. With the aforementioned directions, this Civil Revision Petition is disposed of. No Costs. Consequently, the connected Miscellaneous Petition is closed.

25.04.2023

Index :Yes/No
Internet:Yes/No
Neutral Citation Case: Yes/No
ab

To

1. The Additional Sub Judge, Puducherry
2. The Section Officer,
V.R.Section, High Court of Madras.



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Dr.D.NAGARJUN, J.

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