



CRP. No. 1869 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11. 2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1869 of 2023
& CMP No. 11977 of 2023

K.Balachandar
2.C.Kandasamy
3.J.Vinoba
4.K.Madan Kumar

...Petitioners

Vs.

K.Vijayabaskar

....Respondent

PRAYER : This petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 26.04.2023 made in I.A No. 01 of 2022 in O.S No. 79 of 2015 on the file of the Hon'ble District Munsif cum Judicial Magistrate,Ranipet.

For Petitioners : Mr.J.Ramakrishnan
For Respondent : Not appeared



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ORDER

WEB COPY This petition has been filed to set aside the fair and decreetal order dated 26.04.2023 made in I.A No. 01 of 2022 in O.S No. 79 of 2015 on the file of the District Munsif cum Judicial Magistrate, Ranipet.

2. The petitioners herein filed I.A No. 1 of 2022 in O.S No. 79 of 2015, on the file of the District Munsif cum Judicial Magistrate, Ranipet, to set aside the exparte order dated 22.01.2016 and 29.06.2016. After considering the submissions on either side, the Court below dismissed the said petition. Aggrieved over the same, the petitioners filed this petition.

3. The learned counsel for the petitioner submits due to ill health the petitioner was not able to attend the court and also their absence is neither wilful nor wanton. But the Court below failed to appreciate the above facts and dismissed the petition filed by these petitioners. Further, if the suit is not restored it put too much hardships to the petitioners. Hence he prays to allow this petition.

4. Considering the fact of the case, it reveals that the plaintiff is the son of the second defendant and other defendants are his close relatives. Furthermore, the Trial court rightly observed that the petitioners have not produced any document to show the illness of the petitioner. However,



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considering the relationship between the parties and in order to avoid further complications this Court inclined to set aside the Order of the Trial Court in I.A No. 1 of 2022 in O.S No. 79 of 2015. Further the petitioners are directed to file written statement, if any required, before the Trial Court within a period of four weeks from the date of receipt of a copy of this order and the Trial Court is directed to dispose of the suit within a period of three months from the date of receipt of a copy of this order.

5. In result, this Civil Revision Petition is disposed of. No cost. Consequentially, connected miscellaneous petition is closed.

03.11.2023

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T.V.THAMILSELVI,J.

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To

1. The District Munsif cum Judicial Magistrate, Ranipet.

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