



C.R.P.(NPD) No.1575 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(NPD)No.1575 of 2017
and C.M.P.No.7358 of 2017

Veerabadiran

... Petitioner

v.

P.K.Shahul Hameed

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India against the Fair and Decretal order dated 23.11.2016 passed in I.A.No.60 of 2016 in O.S.No.82 of 2008 by the learned District Munsif cum Judicial Magistrate, Thirukalukundram.

For Petitioner: Ms.G.Sridevi

For Respondent: No Appearance

ORDER

The learned trial Judge by way of an order in I.A.No.60 of 2016 in O.S.No.82 of 2008 dated 23.11.2016 has allowed the application filed



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under Section 5 of the Limitation Act, to restore the suit which had been dismissed for default on 14.08.2012. The respondent as plaintiff had filed a suit for bare injunction as against the petitioner/defendant.

2.The said suit was posted on the list on 14.08.2012 and since the plaintiff had to go to Saudi Arabia, he was not present in Court. Consequently, the suit was dismissed for default. According to him, he claims to have purchased the suit property by way of a registered sale deed on 19.06.2008 and had also mutated the revenue records in his name. On the strength of the sale deed and revenue records, he claims title and possession of the property. The reason he has given is he was not in this country at all and had gone abroad.

3.The learned Judge considering all the facts and circumstances has condoned the delay. As against the condonation of delay, the scope of interference in revision is very limited vide the judgment of the Supreme Court in the case of *N.Balakrishnan v. M.Krishnamoorthy* (1998 7 SCC 123). The delay having been condoned on payment of cost, I am not inclined to interfere with the same. This civil revision petition is dismissed. The Court is directed to take up the application under Order 9 Rule 9 and allow the same. Further, the suit being of the year 2008, the trial Court is requested to complete the entire proceedings within six



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months from the date of receipt of a copy of this order. No costs.

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Consequently, connected miscellaneous petition is closed.

07.07.2023

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

vs

To

The District Munsif cum Judicial Magistrate,
Thirukalukundram.



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V. LAKSHMINARAYANAN,J.

VS

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