



CRP. No. 4547 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM:

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

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V.G.Kuppusamy

...Petitioner

Vs.

N.D.Vijayanthimala

....Respondent

PRAYER : This petition filed under Section 115 of CPC, to set aside the order and decree made in I.A No. 110 of 2016 in O.S No. 61 of 2009 on the file of the Subordinate Judge, Gudiyattam, Vellore District.

For Petitioner : Mr.K.A.Ravindran

For Respondent: Mr.A.K.R. Ravi

ORDER

These petitions have been filed to set aside the order and decree made in I.A No. 110 of 2016 in O.S No. 61 of 2009 on the file of the Subordinate Judge, Gudiyattam, Vellore District.



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2. The petitioner herein filed I.A No. 110 of 2016 in O.S No. 61 of 2009 on the file of the Subordinate Judge, Gudiyattam, Vellore District to condone the delay of 2160 days in filing petition to set aside the exparte decree dated 30.04.2010 passed against the petitioner/defendant in the said suit. After considering the submissions on either side, the Court below dismissed the said application. Challenging the same the petitioner filed this petition.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. The petitioners submission is that the matter was settled before the village elders and the elders of family members of the petitioner and the respondent and also given assurance that no other action taken as against the petitioner in the suit and the petitioner was suffered with jaundice from march 2010 due to which he was not able to appear before the Court and set expare. On seeing the facts of the case, admittedly, both the parties are relatives and also if the opportunity is not given to the petitioner his valuable right to defend the case will be defeated. Hence, the order passed by the Trial Court in IA No. 110 of 2016 in O.S No. 61 of 2009 is set aside. Thus, I.A No. 110 of 2016 in O.S No. 61 of 2009 is allowed. Further, the



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petitioner is directed to pay a sum of Rs.10,000/-(Rupees Ten Thousands) as cost to the respondent within a period of three weeks from the date of receipt of a copy of this order and also the Trial court is directed to complete the Trial within a period of three months from the date of receipt of a copy of this order.

4. In the result, this Civil Revision Petition is disposed of. Consequentially, connected miscellaneous petition is closed.

19.12.2023

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To

1. The Subordinate Judge, Gudiyattam, Vellore District.



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T.V.THAMILSELVI,J.

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