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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

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THE HON'BLE MRS.JUSTICE T.V.THAMIL SELVI

CRP.No. 4352 of 2023

K.Umadevi

.. Petitioner

Vs.

K.Chailandhiri

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order passed on 23.02.2023 in I.A.No.3 of 2022 in O.S.No.90 of 2017 on the file of the Subordinate Court of Pollachi, Coimbatore District.

For Petitioner : Mr.C.Deivasigamani
For Respondent : No appearance

ORDER

The petitioner has filed this petition to set aside the order passed on 23.02.2023 in I.A.No.3 of 2022 in O.S.No.90 of 2017 on the file of the Subordinate Court of Pollachi, Coimbatore District.



2. Before the trial Court the petitioner has filed an application under Section 151 of CPC, to re-open the case and the same was dismissed by the learned trial Judge stating that there was no representation on the side of the defendant and only to drag on the proceedings this application was filed and in order to give opportunity to the defendant the same was allowed by the learned trial Judge with a condition to produce the witness on the side of the defendant on 13.03.2023, as he was not able to produce the witnesses on the particular day, petition was dismissed accordingly.

3. Now the counsel appeared for the revision petitioner / defendant submitted that he is ready to produce the defendant side witnesses.

4. To give one more opportunity to the revision petitioner, this Court is inclined to set aside the findings rendered by the learned trial Judge. However, the petitioner is directed to produce the witnesses within a period of 4 weeks from the date of receipt of a copy of this order and the parties are directed to co-operate for the proceedings.



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5. Accordingly, this Civil Revision petition is allowed. There shall be no order as to costs.

08.12.2023

Index : Yes/No

Speaking order / Non speaking order

Neutral Citation: Yes/No

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To

- 1.The Subordinate Judge of Pollachi,
Coimbatore District.
- 2.The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMIL SELVI, J.

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