



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM:

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

CRP No. 4939 of 2023
and CMP No. 29031 of 2023

Vijayakumar Reddiar

...Petitioner

Vs.

Mahalinga Mudaliar

....Respondent

PRAYER : This petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order in unnumbered I.A of 2023 in I.A 148 of 2014 in unnumbered A.S of 2015 dated 07.10.2023 on the file of the learned Principal District Judge, Villupuram.

For Petitioner : Mr.N.Suresh

ORDER

This petition has been filed to set aside the fair and decreetal order in unnumbered I.A of 2023 in I.A 148 of 2014 in unnumbered A.S of 2015 dated 07.10.2023 on the file of the learned Principal District Judge,



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Villupuram.

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2. Heard the learned counsel for the petitioner.

3. The petitioner herein filed unnumbered I.A of 2023 in I.A No. 148 of 2014 in unnumbered A.S No. of 2015 to allow him to contest the appeal on merit. After considering the submissions on either side, the court below dismissed the said application stating that the conditional order of this Court has not been complied.

4. On seeing the facts of the case, it reveals that the petitioner paid partial amount as per the earlier order of this Court and the same also observed by the Trial Court in its order dated 07.10.2023 but there was a delay in paying remaining amount. This court is inclined to give one more opportunity to the petitioner to pay the remaining amount. Hence, the Order passed by the Trial Court in unnumbered I.A of 2023 in I.A No. 148 of 2014 in unnumbered A.S No. of 2015 dated 07.10.2023 is set aside and the Trial Court is directed to take the appeal on file. Further, the petitioner is directed to pay a sum of Rs.1,50,000/- in E.P within a period of two weeks from the date of receipt of a copy of this order, till then, executing Court is directed not to proceed with execution petition.



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5. In the result, this Civil Revision Petition is disposed of. No Cost
consequently, connected miscellaneous petition is closed.

22.12.2023

pbl

To
The IV Additional District & Sessions Court, Ponneri .



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T.V.THAMILSELVI,J.

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