



C.R.P(MD)No.993 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.993 of 2022

S.Sathyalingam

... Petitioner/Respondent/
Petitioner

Vs.

S.Sathya Bama

... Respondent/ Respondent/
Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 10-12-2021 passed in I.A.No.1 of 2021 in H.M.O.P.No.165 of 2017 on the file of the learned Sub Court, Theni by allowing this Civil Revision Petition.

For Petitioner : Mr.H.Velavadhas

For Respondent : No Appearance

ORDER

The present revision has been filed by the petitioner in H.M.O.P.No.165 of 2017, challenging an order refusing to condone the delay of 800 days in filing an application to restore H.M.O.P.No.165 of 2017.



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2. According to the petitioner, the H.M.O.P was dismissed for default on 17.09.2018 and an application in I.A.No.1 of 2021 was filed on 21.12.2020 to condone the delay of 800 days. The said application was dismissed by the trial Court on the ground that the petitioner has not produced any medical records, even though he has alleged certain serious medical conditions in his affidavit.

3. The learned counsel appearing for the petitioner has produced the medical records before this Court along with the leave application presented by the revision petitioner, since he is working in United India Insurance Company Limited. This documents cannot be received across the bar in the absence of the other side.

4. Though the respondent has been served, there is no appearance either is person or through counsel.

5. In view of the above said facts, the order impugned in the civil revision petition is set aside. The matter is remitted back to the file of Sub Court, Theni. The petitioner is at liberty to mark those documents



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before the learned Subordinate Judge, Theni in I.A.No.1 of 2021. The learned Subordinate Judge is directed to consider the said documents and pass orders afresh on merits and in accordance with law on or before 30.06.2023, after giving due opportunity to the other side.

6. With the said observations, this civil revision petition stands allowed. No costs.

24.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Sub Court,
Theni.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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