



WEB COPY

C.R.P(MD)No.1554 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN  
THILAKAVADI**

C.R.P(MD)No.1554 of 2023

and

C.M.P(MD)No.7644 of 2023

1.A.Esakkiammal  
2.K.Jeyalakshmi @ Jeya

... Petitioners/Respondents 1&3  
/Respondents 1& 3

Vs.

1.Mr.R.Esakki Konar  
2.P.Paramasivam

...1st Respondents/Petitioner/  
Appellant  
... 2nd Respondent/2nd  
Respondent/2nd Respondent

Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the fair and decretal order dated 23.08.2022 passed in I.A.No.1 of 2020 in A.S.No.20 of 2014 on the file of the Subordinate Court, Ambasamudram and allow the present civil revision petition.

For Petitioners  
For Respondents

:Mr.R.L.Karthick  
:Mr.V.Angusamy



## **ORDER**

The Civil Revision Petition is preferred as against the fair and decreetal order, dated 23.08.2022 passed in I.A.No.1 of 2020 in A.S.No.20 of 2014, on the file of the Subordinate Court, Ambasamudram.

2.According to the revision petitioners, the respondents herein filed a suit in O.S.No.207 of 2009 before the Principal District Munsif, Ambasamudram, for permanent injunction restraining the petitioners/defendants from interfering with their possession and enjoyment of the suit property as cultivating tenants. The trial Court dismissed the said suit on 07.08.2013. Against which, the respondents filed A.S.No.20 of 2014. When the case was posted for final hearing on 11.01.2019, neither the respondents nor their counsel appeared and hence, the appeal suit was dismissed for default. Thereafter, the respondents herein filed I.A.No.1 of 2020 to restore the appeal suit with condonation of delay of 590 days in filing the application. The Court below allowed the said I.A, even though no sufficient reasons given by the respondents herein for condoning the delay in filing the above application. Hence, he filed the present civil revision petition.



3.Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondents and perused the materials available on record.

4.The learned counsel appearing for the respondents would submit that now the appeal suit is posted for arguments and therefore, the civil revision petition shall be pressed into service and therefore, the civil revision petition shall be dismissed.

5.Considering the facts and circumstances of the case and the reason stated in the affidavit for condonation of delay which is acceptable and considering the fact that the appeal suit is now posted for arguments, the Court thinks fit that there is no need to pursued the above revision petition. However, this Court directs the learned Subordinate Judge, Ambasamudram, to dispose the appeal on merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order.

6.With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.07.2023

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



C.R.P(MD)No.1554 of 2



**K.GOVINDARAJAN THILAKAVADI, J.**

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To

- 1.The Subordinate Court,  
Ambasamudram.
- 2.The Section Officer,  
V.R.Section,  
Madurai Bench of Madras High Court,  
Madurai.

C.R.P(MD)No.1554 of 2023  
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