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C.R.P(MD)No.1795 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2023

CORAM

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

C.R.P(MD)No.1795 of 2023

S.Raguraman

... Petitioner / Respondent /
Plaintiff

Vs.

M.Jeyagopal

... Respondent / Petitioner /
Defendant

Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the 1st Additional District Court, Thoothukudi to dispose of I.A.No.2 of 2021 in O.S.No.67 of 2019 pending on the file of 1st Additional District Court, Thoothukudi by passing an order on merits at an earlier date.

For Petitioner : Mr.V.Shathurthi Raja

ORDER

The Civil Revision Petition is filed by the petitioner for a direction to the 1st Additional District Court, Thoothukudi to dispose of I.A.No.2 of 2021 in O.S.No.67 of 2019 on merits at an earlier date.



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2. According to the revision petitioner/plaintiff, he filed a suit in O.S.No.67 of 2019 for specific performance against the respondent before the I Additional District Court, Thoothukudi. Due to non-appearance of the respondent/defendant, he was set ex-parte and the suit was decreed in favour of the petitioner, on 10.01.2020. Thereafter, he filed the execution petition in E.P.No.80 of 2021. In such circumstances, on 09.08.2021 the respondent filed I.A.No.2 of 2021 to condone the delay of 576 days delay in filing a petition to set aside the Ex-parte decree. In the said petition, the petitioner filed a detailed counter on 03.01.2022 denying all the allegations raised by the respondent herein.

3. The learned counsel appearing for the petitioner submitted that the said I.A is pending before the Court below without any progress. Since it has been continuously adjourned for one reason or other, the petitioner has filed the above civil revision petition for early disposal.

4. Considering the facts and circumstances of the case, this Court directs the I Additional District Court, Thoothukudi, to dispose the I.A.No.2 of 2021 in O.S.No.67 of 2019, on merits and in accordance with law, as expeditiously, without giving unnecessary adjournment, after affording sufficient opportunities to the respective parties to put-forth their



contentions, within a period of three weeks from the date of receipt of a copy of this order.

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5.With the above direction, this Civil Revision Petition is disposed of. No costs.

26.07.2023

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

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To

1.The 1st Additional District Court, Thoothukudi.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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